

# **Exhibit 1**

**(Redacted Trial Transcript Excerpts – Part 1)**

NANAAFOS1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 CORDIA FOSTER and CISLYN  
4 VERONA WRIGHT,

5 Plaintiffs,

6 v.

21 CV 11224 (CM)

7 ELYSE DULA and IAN K. SNOW,

8 Defendants.

Jury Trial

9 New York, N.Y.  
10 October 23, 2023  
9:30 a.m.

11 Before:

12 HON. COLLEEN MCMAHON,

13 District Judge

14 APPEARANCES

15 LAW OFFICE OF SCOTT A. LUCAS  
Attorneys for Plaintiffs Foster/Wright  
16 BY: SCOTT A. LUCAS  
STEVEN M. SACK

17 MANTEL MCDONOUGH RISO, LLP  
Attorneys for Defendants Dula/Snow  
18 BY: GERARD RISO  
19 MICHAEL GROGAN

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Dula - Direct

1 BY MR. LUCAS:

2 Q. Ms. Dula, you also go by the name 'Mrs.~Snow'; is that  
3 correct?

4 A. Yes, sometimes.

5 Q. But you are not the real Mrs.~Snow, correct?

6 A. I consider myself to be.

7 Q. Okay. You consider yourself to be the real Mrs.~Snow; is  
8 that your testimony?

9 THE COURT: That is what she just said. Can we not  
10 repeat it. You probably have a good follow-up question.

11 Q. Okay. Are you married to Mr. Snow?

12 A. No, not legally.

13 Q. So you heard about this incident where Verona Wright says  
14 that you uttered the words 'those black bitches', right?

15 A. Yes.

16 Q. Okay. And you deny saying that, correct?

17 A. Yeah. It never happened.

18 Q. Okay. So let's look at some foundational facts. You had a  
19 kitten named 'Scotty', correct?

20 A. Correct.

21 Q. Okay. And you got that kitten in December of 2019,  
22 correct?

23 A. That's correct.

24 Q. And that kitten was not meant to be outside, true?

25 A. He was an indoor cat. He would get outside.

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Dula - Direct

1 Q. That was when you were living in East Hampton, correct?

2 A. Correct.

3 Q. Okay. And you moved from East Hampton to Bridgehampton in  
4 May 2020, correct?

5 A. Yes, that's correct.

6 Q. So if there was an incident involving your kitten, Scotty,  
7 while you were in Bridghampton, it would have occurred between  
8 December 2019 and May 2020?

9 A. Incorrect.

10 Q. Please tell me how that's incorrect.

11 THE COURT: It's incorrect because you said  
12 'Bridgehampton' instead of 'East Hampton'.

13 MR. LUCAS: Yes.

14 Q. If there was an incident involving your kitten, Scotty,  
15 while you were living in East Hampton, it would have occurred  
16 between December 2019 and May 2020, correct?

17 A. If there was one, but there was not.

18 Q. The question was, if there was one?

19 THE COURT: She answered the question. Your next  
20 question, please.

21 Ms. Dula, I want you to do me a favor so I can get you  
22 off the witness stand faster. Just answer his questions.  
23 Don't fight with him. Don't spar with him. Don't try to  
24 figure out what to do. He is probably going to ask you  
25 questions that can be answered yes or no. I guaranty your

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Dula - Direct

1 lawyers are going to ask you questions. They'll have an  
2 opportunity to ask you questions. If you want to move this  
3 thing along, just answer the questions.

4 THE WITNESS: Okay.

5 Q. All right. You and Mr. Snow each had a Mercedes G-Class  
6 SUV when you lived in East Hampton, correct?

7 A. I don't believe that's correct.

8 Q. Okay. Would you -- I am going to ask you to please look at  
9 page 54, lines 16 through 21 of your deposition.

10 THE COURT: Why are you asking her to look? Are you  
11 trying to impeach her or refresh her recollection? She doesn't  
12 need her recollection refreshed. That is not what she said.  
13 If you are impeaching, then she doesn't look at the transcript.  
14 You read. You say, "On such and such a day, were you asked the  
15 following questions and did you give the following answers"?

16 MR. LUCAS: Okay.

17 Q. Ms. Dula, were you asked the following questions and did  
18 you give --

19 THE COURT: Ma'am, before this trial you gave some  
20 testimony under oath, correct, something called a deposition?

21 THE WITNESS: Yes.

22 THE COURT: You swore to tell the truth?

23 THE WITNESS: Yes.

24 THE COURT: Fine. Now.

25 Q. Were you asked the following questions and did you give the

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Dula - Direct

1 following answers during that time period you had a G-Class?

2 THE COURT: "Question".

3 "Q. During that time period, you had a G-Class Mercedes parked  
4 in the driveway; is that correct?

5 "A. Yes, for a portion of that time period.

6 "Q. For what portion? I would say April, May.

7 THE COURT: "Question", "answer". The court reporter  
8 can't take --

9 I would say April May. April, May.

10 THE COURT: Strike the last thing. Question: April,  
11 May. Answer: April, May.

12 Q. Let me clarify. So in April or May of 2020, you had a  
13 G-Class Mercedes parked in the driveway in East Hampton,  
14 correct?

15 A. Sometimes.

16 Q. And you and Mr. Snow each had a Mercedes G-Class SUV,  
17 correct?

18 A. No. I don't believe that's correct. Not during that time  
19 period.

20 Q. You referred to it as the G-Wagon, your G-Class Mercedes,  
21 correct?

22 A. I don't know if I referred to it as that. That is the name  
23 of the car.

24 Q. Okay. It was sometimes -- okay. So, there were some  
25 instances when Scotty escaped from the house, correct?

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Dula - Direct

1 A. Yes, it happened.

2 Q. When was the first time in relation to when you acquired  
3 Scotty?

4 A. I couldn't tell you for certain.

5 Q. Well, what's your best estimate?

6 A. Shortly after we got him.

7 Q. What does "shortly after" mean?

8 A. I mean he did it regularly from the time that we got him as  
9 a kitten.

10 THE COURT: So what you are saying is he got out of  
11 the house fairly frequently?

12 THE WITNESS: Yes.

13 Q. When Scotty escaped and hid somewhere he would be too  
14 scared to move from cover and someone would have to go get him,  
15 correct?

16 A. Correct.

17 Q. One time Scotty ran under the car parked in the driveway,  
18 correct?

19 A. I can't recall.

20 THE COURT: Okay. You can't recall. So you would  
21 like to refresh her recollection?

22 MR. LUCAS: I would, your Honor.

23 THE COURT: I'm going to ask you to open up that  
24 deposition and where would you like her to look?

25 MR. LUCAS: Okay. I am going to ask the witness to

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Dula - Direct

1 look at page 54, lines six through eight.

2 (Pause)

3 THE COURT: Does that jog your memory?

4 THE WITNESS: I'm sorry.

5 THE COURT: Oh, you haven't gotten there yet.

6 THE WITNESS: Yeah. I say "under the car or by the  
7 garage area".

8 Q. Okay. So "under the car" means that at least once Scotty  
9 got under the car?

10 A. Not -- under a car.

11 Q. So, are you telling me that you -- okay. So what car, if  
12 any, did Scotty get under? Are you saying it was never the  
13 G-Class car?

14 A. I don't know. He got out multiple times.

15 Q. So, when you said "under the car" in your deposition what  
16 were you referring to?

17 A. I was just naming places on the property that I had heard  
18 from other people that he would be hiding and I'd have to go  
19 get him.

20 Q. Okay. You would be worried if Scotty ran outside, correct?

21 A. Yeah, worried.

22 Q. Okay. And angry?

23 A. No, not angry, just worried.

24 Q. Would you say that you're a very passive person?

25 A. Yes.



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Dula - Direct

1 Q. Gentle?

2 A. Gentle, yes.

3 Q. Not easily stirred to anger?

4 A. Not easily stirred to anger, no.

5 MR. LUCAS: All right. With the Court's permission  
6 I'd like to pull up an exhibit?

7 THE COURT: Sure.

8 Q. Do you recognize what's been marked as Plaintiff's Exhibit  
9 PX2?

10 A. There's nothing on my screen.

11 THE COURT: Can we get Jimmy back?

12 Sorry, folks.

13 (Pause)

14 Q. Ms. Dula, Exhibit PX2 is a sign that you made, correct?

15 A. It's a note. Yes, I am familiar with it.

16 MR. LUCAS: Your Honor, may I publish to the jury?

17 THE COURT: Yes, you may.

18 Q. What is this sign, Ms. Dula?

19 A. Should I wait until I can see it?

20 Q. You can't see it?

21 THE COURT: She cannot see it. At her present moment  
22 she can't see it because I can see her screen and there is  
23 nothing on it.

24 (Pause)

25 THE WITNESS: I do see it.

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Dula - Direct

1 Q. Okay. Ms. Dula, can you tell us what that sign you made  
2 says?

3 A. It's a small note that I left on the back of our  
4 watercooler to my sister.

5 Q. What does that say?

6 A. It says "Do not fucking touch".

7 Q. Okay. I thought a moment ago you told us you were a gentle  
8 person.

9 A. I said that I was passive and gentle.

10 Q. And that you were not easily stirred to anger or are you  
11 easily stirred to anger?

12 A. No, I'm not. That wasn't me being angry.

13 Q. You texted this note to Verona on April 16, 2020; is that  
14 right?

15 A. Yes.

16 THE COURT: Would you, just for me, would you mind  
17 identifying your client by their last name, Ms. Foster,  
18 Ms. Wright? Thank you.

19 MR. LUCAS: Yes, your Honor.

20 Q. That sign does not look like the handy work of a passive  
21 person, does it?

22 THE COURT: Could you stop being argumentative and  
23 just -- you've made your point about this. Let's move on.

24 MR. LUCAS: Okay.

25 THE COURT: You can argue the case at the end of the

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Dula - Direct

1 case.

2 MR. LUCAS: Okay.

3 Q. Ms. Dula, you love your cats, correct?

4 A. I love all animals.

5 Q. You love your cats very much, in fact?

6 A. I love them very much.

7 Q. Okay. And your house kitten, Scotty, was the smallest and  
8 most vulnerable of all your cats, correct?

9 A. At the time, yes.

10 Q. A lot more vulnerable than a watercooler, would you agree?

11 A. I'm not sure I understand the question.

12 Q. You cared more about your kitten Scotty than you cared  
13 about a watercooler, right?

14 MR. RISO: Objection.

15 THE COURT: I'll allow it. I don't think you need to  
16 clarify anything.

17 MR. LUCAS: Okay.

18 Q. So, if someone touching a lifeless object that you don't  
19 love like a watercooler was enough to make you write "Do not  
20 fucking touch" in capital letters and three exclamation points,  
21 then the thought of your beloved house kitten, Scotty, escaping  
22 from the house would have made you much more upset than the  
23 watercooler; is that correct?

24 A. Incorrect. It happened infrequently. I was just worried.

25 Q. Scotty escaped from the house when Ms. Wright was on duty,

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Dula - Direct

1 correct?

2 A. He may have. Like I said, he escaped regularly.

3 Q. Now, in your deposition you testified that it's highly  
4 possible that instead of saying "those black bitches" you said  
5 "those back bushes"; is that correct?

6 A. I'm not sure. Something to that effect.

7 Q. Let's not have any -- well, you said something to that  
8 effect. Fine.

9 Can I ask you to look at page 56 line 25 of your  
10 deposition. I'm going to read the testimony and ask you if you  
11 said it, if you remember hearing the question and giving the  
12 answer.

13 "Q. Did you say those black bushes instead of those black  
14 bitches?

15 "A. It's highly possible.

16 Q. Do you remember that?

17 A. Yeah, I see it here, yeah.

18 Q. Were you frustrated with the placement of the back bushes?

19 A. No. It would have been a question as to where the cat was.

20 Q. Okay. So you agree that it would have made no sense to  
21 utter the words "those back bushes" in the middle of a  
22 commotion about the cat being under the car in the driveway?

23 A. No. I disagree. It would have made sense.

24 Q. So, just so we're clear, in the middle of a commotion about  
25 the kitten outside under the car in the driveway, it would have

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Dula - Direct

1 made sense for you to utter the words "those back bushes"; is  
2 that your testimony?

3 A. I don't know what commotion you are referring to. I'm just  
4 saying that when he got out of the house it would have made  
5 sense for me to ask where he was in the backyard or front yard  
6 or in the back bushes so that I could go grab him and bring him  
7 inside.

8 Q. Well, my question --

9 THE COURT: Can we move on, please.

10 Q. It would have been horribly racist if you said "those black  
11 bitches", right?

12 A. Yes, that would be a racist thing to say and I did not say  
13 it.

14 Q. It would have quickly altered the employment relationship  
15 for the worst, true?

16 A. It didn't happen.

17 Q. Yes?

18 THE COURT: It didn't happen. So move on.

19 MR. LUCAS: This is an important question, your Honor.

20 THE COURT: It is an important question for you to ask  
21 your clients. She says it didn't happen. So, we're not going  
22 to deal in hypotheticals with Ms. Dula. We're going to deal in  
23 what reality with your client as your clients perceived it,  
24 okay. But we're not going to deal in hypotheticals with --

25 Q. Your relationship with the plaintiffs began deteriorating

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Dula - Direct

1 when COVID shut everything down, true?

2 A. No. I don't think so, necessarily. It changed. It  
3 definitely changed when COVID locked everything down and we  
4 were in the house all together.

5 MR. LUCAS: Okay. I'd like you to refer to page 20 of  
6 your deposition, lines 14 through 25.

7 (Pause)

8 Q. Do you recall being asked the following questions and  
9 giving the following answers?

10 "Q. Did there come a time when the relationship between you  
11 and plaintiffs started deteriorating?

12 "A. Not a specific point in time you know where it flipped  
13 from one to the other. It was just a slow progression.

14 Q. When did that slow progression begin?

15 A. Well, there was ultimately a breaking point after the slow  
16 progression. I would say when COVID shut everything down and  
17 when we were living with them 24/7, not traveling. We were in  
18 the house 24/7 and able to observe their work performance.

19 Q. Do you recall giving that testimony?

20 A. Yes, I do.

21 THE COURT: Were you asked a question and did you give  
22 this answer?

23 Q. Were you asked that question and did you give that answer?

24 A. Yes, you asked me a question and I gave that answer.

25 Q. COVID shut everything down March 2020, correct?

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Dula - Direct

1 A. Yes.

2 Q. The deterioration in the parties' relationship, that  
3 deterioration in the parties' relationship, that started in  
4 March was a slow progression, right?

5 A. I'm not -- can you repeat the question?

6 THE COURT: Did your relationship get worse over time?

7 THE WITNESS: From what period of time?

8 THE COURT: From March when COVID began, March 2020,  
9 did it get worse after that.

10 THE WITNESS: Yes.

11 THE COURT: Gradually, got worse?

12 THE WITNESS: Yes.

13 THE COURT: Thank you.

14 MR. LUCAS: Okay.

15 Q. You testified that there were times during plaintiff's  
16 employment when you minimized your interactions with Cordia and  
17 Verona, correct?

18 A. Yes.

19 Q. Okay. And your perception was that plaintiffs were  
20 quarrelsome and combative people, correct?

21 A. No.

22 THE COURT: Are you impeaching? She doesn't look.  
23 She hasn't said she needs her recollection refreshed.

24 MR. LUCAS: Yes, your Honor. Thank you.

25 Page 21 --

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Dula - Direct

1 THE COURT: I am a real stickler about doing this by  
2 the book, evidence class.

3 MR. LUCAS: Thank you, your Honor.

4 I am going to read page 21 line through 18 of your  
5 deposition.

6 Did there come a time --

7 THE COURT: "Question".

8 "Q. Did there come a time when plaintiffs started becoming  
9 quarrelsome and combative with you?

10 A. Yes. But I think that that was always clear.

11 "Q. From day one they were quarrelsome and combative?

12 A. Probably, not. Sorry. One minute. Not initially but very  
13 soon into it, I saw that that was just the kind of  
14 personalities and it became more quarrelsome or combative to  
15 the end.

16 Q. Do you recall being asked that and giving those answers?

17 A. Yes. I was asked that and I gave that answer.

18 Q. Okay. Were you stereotyping plaintiffs as angry black  
19 women?

20 A. No, I was not.

21 Q. You knew both plaintiffs were close, correct?

22 A. Can you help me out? What do you mean by "close"?

23 Q. For example, Ms. Foster is the one who referred Ms. Wright  
24 to you, correct?

25 A. Yes, that's correct.



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Dula - Direct

1 Q. Okay. Okay. Let's go back to the times when you minimized  
2 your interaction with Ms. Foster and Ms. Wright. On the  
3 occasions when you did so, did you do so to avoid conflict with  
4 them?

5 A. I just don't like conflict at all from anyone. I minimize  
6 interactions, period.

7 Q. So my question is, why did you minimize your interaction  
8 with them?

9 A. I am not -- can you repeat?

10 THE COURT: Did there come a time when you minimized  
11 your interactions with Ms. Foster and Ms. Wright?

12 THE WITNESS: I would say it was always minimal.  
13 That's just the kind of person I am.

14 Q. Okay. So over time it didn't get less and less?

15 THE WITNESS: I don't think so.

16 THE COURT: Okay. Fine.

17 Q. When was the first such instance when you minimized your  
18 interactions?

19 THE COURT: She just said she didn't. So, let's move  
20 on.

21 Actually, let's take your afternoon break. Five  
22 minutes. Don't discuss the case. Keep an open mind.

23 Taji is going to take you back to the jury room. When  
24 you see it you may not want to leave. The view is  
25 unbelievable. She is going to give you some information about

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Dula - Direct

1 how to contact us and get some contact information from you and  
2 then we will come back in. Okay?

3 (Jury not present)

4 THE COURT: You can step down.

5 Everyone sit down for a minute.

6 You had wanted to make an objection but I kind of  
7 stared you down but now that the jury is out of the room --

8 MR. RISO: I don't recall the objection. I do recall  
9 at one point asking that this exhibit be taken down if we  
10 weren't using it.

11 THE COURT: That's what you wanted. Okay. Fine. The  
12 exhibit will be taken down.

13 I'm not quite sure what's going on here but I will  
14 tell you that whatever it is, it's not impressing anybody in  
15 that box.

16 MR. LUCAS: You are referring to --

17 THE COURT: It would be helpful -- I can't tell you  
18 how to try the case. It would be helpful if I were a juror if  
19 I heard the story first, which is to say if I heard from your  
20 clients first.

21 Now, I can't stop you. I can't prevent you. Everyone  
22 seems to think that the easiest and best way to prove their  
23 case is to put on the other side as a possible witness. It's  
24 not. I can tell you from sitting in this seat or as long as I  
25 have been sitting in this seat that what the jurors need to

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Dula - Direct

1 hear is the story, which didn't come from your mouth. You know  
2 what you said was not evidence. So you haven't laid a  
3 foundation for any of this. And if someone had objected on the  
4 ground of 'no foundation', I would have sustained the  
5 objection.

6 So take five minutes and think about how you lay  
7 foundation for whatever questions you want to ask Ms. Dula and  
8 I'll bet, I'll just bet it's by putting your client on the  
9 stand. Okay?

10 (Recess)

11 THE COURT: Case on trial continues. The parties are  
12 present. The jury is not.

13 By the way, I am a complete and total stickler from  
14 knowing the difference of refreshing and impeaching and for  
15 doing it exactly the way it is in the evidence textbook. If  
16 you're refreshing recollection, you can show the witness  
17 something. You don't read it out loud. You ask the witness if  
18 that jogs the memory. If you are impeaching by prior  
19 inconsistent statement, you don't show the witness something.  
20 You do say that you are reading from page and line. You read  
21 the questions and answers. You ask the witness if she gave --

22 MR. LUCAS: Yes.

23 THE COURT: Please.

24 MR. LUCAS: Thank you, your Honor.

25 So given your Honor's suggestion, I'm going to call

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Dula - Direct

1 Ms. Foster to the stand.

2 THE COURT: I think that makes so much sense.

3 MR. LUCAS: But I would if there's a way to just make  
4 clear the jury will be hearing from Ms. Dula later so it  
5 doesn't seem like really strange. That's all.

6 THE COURT: I don't care how strange it seems. It is  
7 the more sensible thing to do.

8 Bring in the jury.

9 (Jury present)

10 THE COURT: Hi. Okay. Have a seat.

11 What we are going to do is we've decided there's a  
12 better way to do this. You are going to hear from Ms. Dula  
13 later and the plaintiff is going to call a different witness.

14 Call your next witness.

15 MR. LUCAS: Thank you, your Honor.

16 So we're going to start by calling Ms. Cordia Foster  
17 and then resume with Ms. Dula.

18 THE COURT: Okay. Ms. Foster, come on up, ma'am.

19 CORDIA FOSTER,

20 called as a witness by the Plaintiff,

21 having been duly sworn, testified as follows:

22 THE COURT: Have a seat, ma'am. Make yourself  
23 comfortable. You can talk into that microphone and if you  
24 would, state and spell your name for the court reporter.

25 THE WITNESS: C-o-r-d-i-a, F-o-s-t-e-r.

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Foster - Direct

1 THE COURT: "Cordia Foster".

2 You may inquire.

3 MR. LUCAS: Thank you, your Honor.

4 DIRECT EXAMINATION

5 BY MR. LUCAS:

6 Q. Good afternoon, Ms. Foster.

7 A. Good afternoon, Mr. Lucas.

8 Q. Can you tell us a little bit about where you were born and  
9 raised?

10 A. I was born in Jamaica.

11 Q. Okay. And how long have you been in the United States?

12 A. Over 20 years.

13 Q. And what inspired you to pursue a career as a caregiver?

14 A. When I first came here my kids was back in Jamaica and I  
15 missed them so much that I said I want to do something that  
16 involved with kids to keep my mind occupied.

17 Q. And how many years have been working in this field?

18 A. I would say over 18 years or it could be more.

19 Q. Okay. Can you tell us the training and qualifications you  
20 received to become a nanny or baby nurse?

21 A. So. I did a course with an agency and then after, they  
22 placed me in a job.

23 Q. Are there any aspects of your job that you love?

24 A. Yes, I do. I love working with kids. It's my passion.

25 Q. Okay. Do you have any interests or hobbies outside of

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Foster - Direct

1 work?

2 A. No. I'm not a outsider. I just, when I'm not working I  
3 would stay home and just probably watch a movie or something.

4 Q. How do you handle challenges or misunderstandings at work?

5 MR. RISO: Objection.

6 THE COURT: Could you rephrase that?

7 MR. LUCAS: Sure.

8 Q. Ms. Foster, is there anything in particular you do at work  
9 to handle a challenge or misunderstanding if one should arise?

10 MR. RISO: Objection.

11 Q. In the course of your service --

12 THE COURT: Ma'am, over the course of the, I assume  
13 that you worked for a number of employees over the years.

14 THE WITNESS: Um-hmm.

15 THE COURT: Have differences or disputes ever arisen  
16 between you and any employees other than the defendant?

17 A. No. I'm always a team player and everyone that I work with  
18 up until this day, we still communicate.

19 THE COURT: Well, the question was, have you ever had  
20 like misunderstandings?

21 THE WITNESS: No.

22 THE COURT: There haven't been any. So, she hasn't  
23 had to develop a way of handling them.

24 Next question.

25 Q. Okay. Ms. Foster, what values or principles are important

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Foster - Direct

1 to you in your profession?

2 A. I'm always, I make sure that whosoever I'm working with,  
3 I'm always making sure that they're in the stable and they're  
4 environment is safe while I'm on duty.

5 Q. Okay. Apart from this dispute, have you ever faced  
6 challenges in your career related to your race or background?

7 A. No.

8 Q. Have you ever accused anyone of discrimination apart from  
9 this lawsuit?

10 MR. RISO: Objection.

11 THE COURT: Overruled.

12 A. I didn't hear your question.

13 Q. Have you ever accused anyone of discrimination apart from  
14 this lawsuit?

15 A. No.

16 Q. What do you hope families take away from the experience  
17 with you as a caregiver?

18 A. What?

19 Q. Yeah. Like what do you want -- you know what, let me move  
20 on to a different question.

21 Okay. Did there come a time when the defendants hired  
22 you?

23 A. I didn't hear you.

24 Q. Did there come a time when the defendants hired you to come  
25 and work for them?

NANAAFOS3

Foster - Direct

1 A. Yes.

2 Q. When was that?

3 A. It was August of 20 and 17.

4 Q. How did you hear about the position?

5 A. I was working with an agency and they were the one who let  
6 me start working with them.

7 Q. Okay. And what was the job that you were initially hired  
8 to do?

9 A. A baby nurse.

10 Q. Okay. For who?

11 A. Ian and Elyse Snow.

12 Q. For what baby?

13 A. Child 2. I'm not sure of the correct spelling.

14 THE COURT: Okay.

15 Q. Okay. What was your starting pay for working?

16 A. Six hundred dollars for 24 hours.

17 Q. Okay. Was the job advertised as a 24/7 position?

18 A. No. It was -- Yeah, it was 24 hours per day.

19 Q. Okay. And where was the location of your workplace when  
20 you started working for defendants?

21 A. It was in Manhattan.

22 Q. Where?

23 A. 414 --

24 Q. Was it an apartment, a home?

25 A. Yes. It was in their home.



NANAAFOS3

Foster - Direct

1 Q. Okay. Can you tell us about your first week on the job  
2 working for defendants?

3 A. So, my first week working on the job, it was a little bit  
4 crazy cause the first day when I got in Ms. Dula and nanny that  
5 was working for the older kids was at each other throat, like  
6 was you know, arguing with each other and it was very difficult  
7 for me because I was not in a situation like that to go on a  
8 job for the first day and have to see what was going on with  
9 them.

10 Q. Okay. Can you tell us anything more about what happened  
11 during your first week on the job?

12 A. Yes. So, when the nanny that was with the older kid, she  
13 and Ms. Dula got into an argument and I don't know what  
14 happened but she got fired and in that same week there was  
15 child protective service came in. They were questioning me and  
16 asking me like if I ever took drugs or if, what do I see when I  
17 came in. So I explained to them that I just started the job  
18 like two days ago, so I don't really know what was going on in  
19 the household before I came there.

20 Q. Okay. When you started serving as Child 2's baby nurse,  
21 can you describe Child 2's physical condition at that time?

22 A. So, from my experience he was a little bit slow. He was  
23 underweight and I have to like, I explained to Mr. Snow and Ms.  
24 Dula that Child 2 was supposed to be standing like on his legs  
25 and he was not doing that. Ms. Dula had explained to me

NANAAFOS3

Foster - Direct

1 that the first baby nurse that was there, she was not feeding  
2 him at night or he wasn't getting enough feed, so he was under  
3 weight.

4 MR. LUCAS: Okay. And I want to, with the Court's  
5 permission, pull up Exhibit PX21 and show it to the witness.

6 (Pause)

7 MR. RISO: Just this one page exhibit?

8 MR. LUCAS: Yes.

9 Q. Ms. Foster, are you able to see that on your screen?

10 A. Yes.

11 Q. Can you identify what it is?

12 A. It's an email from the agency that I sent. I sent a email  
13 to Ashley which is the recruiter from the agency that I was  
14 working for.

15 MR. LUCAS: Okay. Your Honor, may I publish it the  
16 jury as I question Ms. Foster about it?

17 THE COURT: You may.

18 (Pause)

19 THE COURT: It would be helpful if your colleague  
20 could do the technical stuff while you stay at the podium.

21 MR. GROGAN: Unfortunately, your Honor, I'm a  
22 technology disaster. I know nothing about technology. It  
23 would be giving me a heart attack. I'm sorry.

24 THE COURT: Okay.

25 Q. Okay. Ms. Foster, the bottom part of the exhibit, can you

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Foster - Direct

1 read what you wrote to Ashley Munt of British American  
2 Household Staffing?

3 A. I'm just going to do the two.

4 THE COURT: I don't want you to be reading this out  
5 loud. If you have a question to ask her --

6 MR. LUCAS: Okay.

7 THE WITNESS: You said at the bottom or at the top?

8 MR. LUCAS: Let me ask you a question.

9 Q. So it appears from the exhibit that one of the things that  
10 you wrote to Ashley Munt is, "OMG it's more drama than I  
11 expected. But I just the same to them and here the work and I  
12 don't talk a lot. So the mom says she like that about me."

13 Do you see that?

14 A. I'm not seeing it on my screen.

15 THE COURT: She can't see it on her screen because you  
16 haven't turned it down to that.

17 MR. LUCAS: Okay.

18 A. Yes.

19 Q. Okay. Did Ms. Dula tell you in words or substance that she  
20 likes that you don't talk a lot?

21 A. Yes.

22 Q. Okay. A few moments ago you mentioned that the nanny for  
23 the older child was fired shortly after you started, correct?

24 A. Yes.

25 Q. Okay. And what, if any, childcare arrangements did



NANAAFOS3

Foster - Direct

1 defendants make for that older child once that nanny was fired?

2 A. Ms. Dula had asked me if I could take over the role as the  
3 older kid to be his nanny to work with along with Child 2 as  
4 the baby, still as a baby nurse and a nanny for the other kid.

5 Q. Okay. And the other kid's name was?

6 A. "Child 1" or "Child 1".

7 Q. That older child was how old?

8 A. He was 17 or 16 months old.

9 Q. Okay. At that point you were asked to serve in a dual  
10 role, is that correct, from your testimony?

11 A. Yes.

12 Q. Baby nurse and nanny?

13 A. Yes.

14 Q. Did you accept? Did you say, yes, I'll do that?

15 A. Yes.

16 Q. Okay. And what, if any, pay adjustment did you get after  
17 that point?

18 A. So I got \$200 extra.

19 Q. Okay. Now, you mentioned some visits from Child Protective  
20 Services. Did there come a time shortly after those visits  
21 that you were asked to sign an agreement?

22 A. Yes.

23 Q. Okay. What kind of agreement was it?

24 A. It stated that video recording and like we have to keep  
25 everything confidential what happens in the home of the Snows,

NANAAFOS3

Foster - Direct

1 Mr. Snow and Elyse.

2 MR. LUCAS: Okay. With the Court's permission, I'd  
3 like to show the witness Exhibit DX1.

4 THE COURT: Okay.

5 (Pause)

6 THE COURT: This is taking so long that perhaps you  
7 want me to give her Plaintiff's One. Is that what you want to  
8 show her?

9 MR. RISO: I believe this is Defendant's One.

10 THE COURT: Plaintiff's One or Defendant's One?

11 MR. LUCAS: Defendant's One.

12 THE COURT: Thank you.

13 Ma'am, take a look at defendant's DX1.

14 You go back and ask questions because we're not going  
15 to have that back and forth business.

16 (Pause)

17 Q. Ms. Foster, please, take a look at what's been marked as  
18 DX1 and let us know if you are able to identify it.

19 (Pause)

20 A. Yes.

21 Q. What is it?

22 A. It's a confidential agreement.

23 Q. Okay. Is it correct that that agreement identifies you as  
24 the employee?

25 A. Yes.



NANAAFOS3

Foster - Direct

1 Q. And Ian Snow and Elyse Dula as the employers?

2 A. Yes.

3 Q. Okay. During your first several weeks of employment what,  
4 if anything, did you do to address Child 2's being under  
5 weight? A. So I feed him a lot because I know that he was  
6 underweight. I had to start giving him more food because he  
7 wasn't getting enough to eat. So I have to start giving him  
8 like extra and feeding him like probably like more than how he  
9 is supposed to be fed at night so that he could gain his weight  
10 when he go back to the doctor, which he did.

11 Q. Tell us about your daily caregiving activities while you  
12 served as the nanny for Child 1 and that part of your role?

13 A. So the first when I was with just Child 2 I had Child 2  
14 doing tummy times because I noticed that his head support  
15 wasn't good. So I give him a lot of exercise to develop his  
16 head and support. And then when I fully start the role of  
17 having both kids I used to take them to the park to, you know,  
18 get associated with other kids, like put them in the swing  
19 because Ms. Dula had mentioned to me that the older kid was  
20 never going to the park or he will go outside with other nanny  
21 but he was not like interacting with other kids.

22 Q. So, did you increase the level of physical activity that  
23 the older child, Child 1, had?

24 A. Yes.

25 Q. Okay. During your employment with defendants, was it

NANAAFOS3

Foster - Direct

1 important for you to avoid conflict with Elyse?

2 A. Yes.

3 Q. Why was that?

4 A. Because I don't like the drama and I tried to, don't want  
5 any conflicts with Ms. Dula. So whatever Ms. Dula asked me to  
6 do, I always follow her instructions and do what she asked.

7 Q. When you say "I don't like the drama", what are you  
8 referring to?

9 A. It's like always something going on in that household.  
10 Like other employer would be arguing with each other and I am  
11 not there for, like to be in, like in between other workers.  
12 I'm just there to do my job that I was hired to do.

13 Q. Okay. Do you ever express agreement with Elyse or tell her  
14 what she wants to hear even if you would disagree?

15 MR. RISO: Objection to leading.

16 A. Yes.

17 THE COURT: Objection is overruled.

18 Q. Can you give us some examples of when you did that?

19 A. Yes. Because I want to the protect the kids and I want to  
20 protect my job.

21 Q. But can you give us examples of when you expressed  
22 agreement with what Elyse said to do when with you actually  
23 didn't agree with it?

24 A. When Ms. Dula would ask me to put the kids in time-out, I  
25 don't want to do it. If it was for my decision alone I would

NANAAFOS3

Foster - Direct

1 never put them in time-out but I have to follow the rule of  
2 what she instructed me to do.

3 Q. And what rule was that?

4 A. She wanted me to put the kids in time-out. She said that  
5 they're naughty. So when they're naughty, I am to give them  
6 time-out.

7 Q. Did she define for you what "naughty" consisted of?

8 A. Yeah. Because they cries a lot and she just don't want to  
9 hear them crying. So she just tell me to put them in time-out.

10 Q. Okay. Can you give any other examples of where Elyse --  
11 strike that.

12 Can you describe the type of time-outs, if any, that  
13 you were instructed to put the children in?

14 A. She asked me to put them into a closet.

15 Q. Okay. How big was the closet?

16 A. I am not -- it was a huge closet that has a window. I am  
17 not sure of the dimension of the closet but it was a huge  
18 closet.

19 Q. Okay. And would she indicate how long you were to keep the  
20 child in the closet?

21 A. Yeah. She tell me to let them stay in until they finished  
22 crying.

23 Q. Okay. And after putting the child in the closet, where, if  
24 anywhere, did you position yourself?

25 A. I stand at the door.



NANAAFOS3

Foster - Direct

1 Q. Okay. And did you communicate with the child through the  
2 door?

3 A. Yes. I keep talking to the child and said it's okay. When  
4 you finish crying, then you'll come out.

5 Q. Okay. I think you mentioned a Manhattan apartment that  
6 defendants had and that you worked at. Where did you sleep, if  
7 anywhere, in that apartment when you were working?

8 A. So it would be the kids' room. So the first room would be  
9 Mr. and, Ms. Dula and Mr. Snow. Then the second room would be  
10 for the boys and then the third room, that's where I sleep.

11 (Continued on next page)  
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NAN4FOS4

Foster - Direct

1 Q. OK. And in defense counsel's opening statement and also in  
2 mine, there was references to a camera clock being in that  
3 apartment. Do you recall that?

4 A. Yes.

5 Q. OK. And did there come a time when you bought a camera  
6 clock to have anywhere on defendants' premises?

7 A. Yes.

8 Q. Okay. When was that?

9 A. I can't recall the time when the camera was bought.

10 Q. You can or can't?

11 A. No, I can't.

12 Q. Can you tell us the year?

13 A. I think it was between 2018 or 2019.

14 Q. OK. And for what purpose did you buy this camera clock?

15 A. So I bought the camera clock, and I had it in my room  
16 because it was for my own protection.

17 Q. OK. And why did you think you needed protection?

18 A. Because, I just wanted to make sure that whatever I'm  
19 doing -- but the thing is --

20 THE COURT: I'm sorry. You want to make sure that  
21 whatever you're doing is what?

22 A. I bought the clock, and when I got it from Amazon, it I  
23 just put it down on the bedside table in the room that I was  
24 staying. But I did not install the camera, it wasn't  
25 installed.

NAN4FOS4

Foster - Direct

1 Q. Did you try to activate the camera feature?

2 A. No.

3 Q. Did you read the instructions for it?

4 A. Yeah.

5 Q. Why did you read the instructions?

6 A. I just read it to see you know what, the camera was like.

7 THE COURT: I'm sorry. Let me go back. When did you  
8 do this? Perhaps, you can't be really precise. Was it in 2020  
9 or 2019 or 2018, or 2017, can you give us --

10 THE WITNESS: 2018.

11 THE COURT: In 2018 you bought this camera clock on  
12 Amazon?

13 THE WITNESS: Yes.

14 THE COURT: And you say you installed it. Where did  
15 you put it down?

16 THE WITNESS: It wasn't installed. It was at the  
17 bedside table.

18 THE COURT: In your bedroom?

19 THE WITNESS: Any my bedroom, yes.

20 THE COURT: Bedside table in your bedroom in the  
21 apartment in New York?

22 THE WITNESS: Yes.

23 THE COURT: OK.

24 BY MR. LUCAS:

25 Q. OK. So at any point in time, did you ever use this camera

NAN4FOS4

Foster - Direct

1 clock to spy on the defendants?

2 A. No.

3 Q. Was there ever any point in time when anyone else was able  
4 to activate the camera feature on that clock for you?

5 A. No.

6 Q. Was there ever a time that you were concerned about the  
7 possibility of any -- being accused of anything?

8 MR RISO: Objection to leading.

9 THE COURT: Overruled.

10 A. Yes.

11 Q. OK. Can you tell me a little bit about why you had that  
12 concern?

13 A. Ms. Dula had stated that she had missing slippers in the  
14 New York apartment. And she was, like, saying someone must  
15 have took it.

16 Q. Anything else?

17 A. And she was saying that she knows that the slippers was  
18 there. And Tamela, that was someone else that was working for  
19 Ms. Dula. She said that Elyse asked her to spy on us.

20 MR RISO: Objection to what Tamela said.

21 MR. LUCAS: It goes to state of mind, your Honor.

22 THE COURT: Could you read back the question, please.

23 (Record read.)

24 THE COURT: Well, I don't know it goes to state of  
25 mind. The objection is sustained.

NAN4FOS4

Foster - Direct

1 MR RISO: Move to strike the answer, your Honor.

2 THE COURT: Well, the answer is stricken as to what  
3 Tamela said Ms. Dula asked her to do. That's stricken.

4 BY MR. LUCAS:

5 Q. Apart from Ms. Dula's statement that her slippers were  
6 missing, was there anything else that caused you to be  
7 concerned about protecting yourself on defendants' premises?

8 A. Yes.

9 Q. What was that?

10 A. There was constant abuse of the kids by Ms. Dula. And also  
11 there was a lot of drugs using in the apartment.

12 THE COURT: A lot of, pardon? I didn't hear you.

13 THE WITNESS: Drugs.

14 THE COURT: Drug use in the apartment?

15 THE WITNESS: Yes.

16 Q. Are you aware of any instance where anyone claims to have  
17 seen this camera clock outside of your personal sleeping area  
18 within defendants' apartment?

19 A. No.

20 Q. Did there ever come a time when defendants had a third  
21 child?

22 A. Yes.

23 Q. What was that third child's name?

24 A. Child 3.

25 Q. And did there come a time when Ms. Dula asked you to put



NAN4FOS4

Foster - Direct

1 Child 3 in the

2 basement?A. Yes.

3 Q. And can you tell us what happened?

4 A. When Ms. Dula asked me to put Child 3 in the basement? Can  
5 you rephrase the question.

6 THE COURT: Tell us what happened when Ms. Dula said  
7 put Child 3 in the basement. Tell us what happened. Tell us  
8 the story.

9 A. She just said that he's been naughty, and he needs to be  
10 punished.

11 Q. Did she say anything about how long Child 3 should be kept  
12 in the basement?

13 A. No.

14 Q. Did there ever come a time when Ms. Dula asked you to put  
15 Child 3 in the basement overnight?

16 A. Yes.

17 Q. Can you tell us what happened?

18 A. So she -- Child 3 got dressed for bed. He was in his crib.  
19 And he was screaming, like really crying. And Ms. Dula said he  
20 needs to go into the basement for a timeout. Then I got a text  
21 from Ms. Dula stating that he needs to stay down there for the  
22 night. I just bought him a nightlight and a blanket.

23 MR. LUCAS: With the Court's permission I would like  
24 to show the witness what's been marked as Exhibit PX-8.

25 Q. Ms. Foster, can you see the exhibit? Is it on your screen,

NAN4FOS4

Foster - Direct

1 Ms. Foster?

2 THE COURT: No, it's not. You may.

3 MR. LUCAS: Thank you, your Honor.

4 THE COURT: It would be much more helpful.

5 Q. Ms. Foster, that the text message from Ms. Dula that you  
6 just referred to?

7 A. Yes.

8 Q. OK. And can you read it for us?

9 A. I put a nightlight and blanket down in the room. I put a  
10 nightlight down in that room for him to sleep down there. He  
11 needs to learn. He's doing things he used to do, screaming for  
12 two hours.

13 MR. LUCAS: Your Honor, may I publish the exhibit to  
14 the jury?

15 THE COURT: There's no need. She just read it. Move  
16 on.

17 MR. LUCAS: Very well.

18 Q. So did Child 3 spend the night in the basement?

19 A. Yes.

20 Q. And did you receive any instruction as to whether or not  
21 you should be with Child 3 while he spent the night in the  
22 basement?

23 A. No.

24 Q. Ms. Dula didn't say anything about where you should be,  
25 whether you should be down there or upstairs with the other



NAN4FOS4

Foster - Direct

1 kids or anything?

2 A. No.

3 Q. And did you go down to the basement?

4 A. Yes.

5 Q. OK. And how long did Child 3 stay in the basement?

6 A. He spent the night down there.

7 Q. And you went down to the basement?

8 A. Yes.

9 Q. For what purpose?

10 A. I just went down there to comfort him because he was a year  
11 old. It was in the middle of winter. So I just wanted to go  
12 down there and cuddle him and just give him love.

13 MR. LUCAS: With the Court's permission I would like  
14 to show the witness Exhibit PX-9.

15 THE COURT: OK.

16 Q. Ms. Foster, can you identify what's been marked as Exhibit  
17 PX-9?

18 A. It's Child 3 in the basement.

19 Q. I'm sorry. I didn't get your answer.

20 A. It's Child 3 in the basement.

21 Q. Did you take those pictures?

22 A. Yes.

23 MR. LUCAS: With the Court's permission I would like  
24 to publish that to the jury.

25 THE COURT: Go right ahead.



NAN4FOS4

Foster - Direct

1 MR. LUCAS: Can the jurors see that?

2 Your Honor, may I briefly show the pictures to the  
3 jury because they are not coming up -- oh, you can see it. OK.  
4 I apologize. OK.

5 Q. OK. Ms. Foster --

6 THE COURT: Can we take them down as soon as the jury  
7 is done looking at them.

8 MR. LUCAS: Yes, your Honor, of course.

9 Q. Ms. Foster, we heard about a mask during opening  
10 statements. Did there come a time when you bought a scary  
11 children's Halloween mask?

12 A. Yes.

13 Q. When was that?

14 A. I think it was in 2017 or in 2017 or 2018, I'm not sure  
15 what year.

16 Q. OK. And why did you buy that mask?

17 A. I buy the mask because the older son, Ms. Dula would, like,  
18 he cries. So Ms. Dula would go in the crib, and she will pick  
19 him up, shake him, toss him back in there or scream in his  
20 face. I got the mask just to comfort him and show him that it  
21 doesn't matter how scary things are. It's OK. It may not be  
22 the best mask for me to have bought, but just to let him see  
23 that it's OK for you not to be afraid.

24 Q. Did you ever see anybody wear the mask?

25 A. No.

NAN4FOS4

Foster - Direct

1 Q. So what happened to the mask?

2 A. It was in the toy pen where all the toys was kept.

3 Q. And was there any effort to conceal the existence of the  
4 mask from anybody?

5 A. Ms. Dula know that I bought the mask.

6 THE COURT: No. The question was did you ever try to  
7 hide the mask.

8 THE WITNESS: No, it was in the pen where all the toys  
9 were kept.

10 THE COURT: OK fine.

11 Q. How do you know that Ms. Dula knew about it?

12 A. Because I told her.

13 Q. Did there come a time -- strike that.

14 Did you ever experience any type of what you perceived  
15 to be stereotyping while you worked for defendants?

16 MR RISO: Objection.

17 THE COURT: Objection sustained.

18 A. Yes.

19 THE COURT: Strike the answer. When I say the  
20 objection is sustained, that means he has to ask a different  
21 question. I know it's all technical.

22 THE WITNESS: Yes.

23 THE COURT: Sorry about that.

24 Q. Did you ever form the belief that one or more of the  
25 defendants ever stereotyped you in any way on the basis of your

NAN4FOS4

Foster - Direct

1 race?

2 MR RISO: Objection.

3 THE COURT: The objection is sustained. The word can  
4 be eliminated, please.

5 Q. Did there come a time, Ms. Foster, when you began to feel  
6 that the relationship between you and defendants began to  
7 deteriorate?

8 A. Yes.

9 Q. OK. And when was that?

10 A. It was in 2020 and the first time was when Ms. Dula said  
11 those black bitches and Ms. Wright had confronted her about it.

12 Q. How did you learn about that incident?

13 A. Ms. Wright had told me.

14 Q. And what, if anything, happened in the parties'  
15 relationship after that to cause -- strike that.

16 When you say the parties' relationship began to  
17 deteriorate at that point, what do you mean? How did it  
18 deteriorate?

19 A. So Ms. Dula would like isolate herself from us. She wasn't  
20 talking to us. And like she would, if we were passing by, she  
21 would slam the doors in our face. Also, when she accuses me of  
22 what am I doing in the guest house. And when we moved she said  
23 that I'm happy to get these dirty Jamaicans out of my house.  
24 She took away the wifi from us. She would bring stuff for the  
25 kids, and she would put it down on the floor. And she would

NAN4FOS4

Foster - Direct

1 ask me, do you see that?

2 Q. So let's address some of those. Did there come a time when  
3 the defendants moved from one property in the Hamptons to a  
4 different property in the Hamptons?

5 A. Yes.

6 Q. Do you recall when that was?

7 A. It was May of 2020.

8 Q. OK. And what role, if any, did you play in participating  
9 in that move?

10 A. I help them to pack all of the stuff.

11 Q. Anything else?

12 A. And organize like the kids -- like the stuff that we bring  
13 from the other house, I had helped them to organize the kids'  
14 things, like put them where they are supposed to go.

15 Q. And did you help transport any items to the new residence?

16 A. No, I didn't.

17 Q. When did you first arrive at the new residence?

18 A. I think it was May 20 -- I know it was a few case before  
19 Labor Day of 2020.

20 THE COURT: Labor Day, the first week in September?

21 THE WITNESS: Not Labor Day. I'm sorry. I think it  
22 was May, before Memorial Day, yes.

23 MR. LUCAS: OK. With the Court's permission, I would  
24 like to show the witness PX-12 for identification.

25 THE COURT: OK. These are all in evidence.

NAN4FOS4

Foster - Direct

1 THE WITNESS: That's the house that we moved to.

2 Q. OK. That's the second residence in the Hamptons?

3 A. Yes.

4 Q. OK. And you mentioned that Ms. Dula said -- made a  
5 reference to you as "dirty Jamaicans"?

6 A. Yes.

7 Q. Can you tell us about that. How did you hear it?

8 A. So in the -- we were staying in the maid quarters. And I  
9 was taking things from downstairs like the staircase from where  
10 Ms. Dula's and Mr. Snow's entrances. So I was taking like the  
11 bags and the clothes up to their apartment. And when I was  
12 coming back down, I heard Ms. Dula talking to someone and  
13 saying that I'm happy to get these dirty Jamaicans out of my  
14 house.

15 Q. Did you tell anybody about what you had overheard?

16 A. Yes.

17 Q. Who?

18 A. Ms. Wright.

19 Q. So you referred to a maid's quarters on that property  
20 attached to the mansion?

21 A. Yes.

22 Q. Were you allowed in the mansion?

23 A. No.

24 Q. Where did you care for the children when defendants moved  
25 to that second property in the Hamptons?

NAN4FOS4

Foster - Direct

1 A. In the maid's quarter where we were living.

2 Q. Did they sleep there?

3 A. Yes.

4 Q. Did you ever set foot in the mansion?

5 A. No.

6 Q. Prior to the time when Ms. Wright told you that Elyse Dula  
7 referred to you or her or both as black bitches, had there been  
8 occasions when you interacted with Mr. Snow, and Ms. Dula, say,  
9 at dinner time?

10 A. If I said it to Mr. Snow or Ms. Dula at any time?

11 THE COURT: Dinner time?

12 A. No.

13 Q. What about on holidays, anything like that?

14 A. No.

15 Q. Did you help feed the children during dinner time -- strike  
16 that.

17 How did you feel when you overheard Ms. Dula say, "I'm  
18 happy to be getting these dirty Jamaicans out of my house"?

19 A. I feel heartbroken. I felt bad.

20 Q. Besides the maids' quarters, were there other structures on  
21 the property that you were free to go into?

22 A. No.

23 Q. Was there a structure known as the guest house or the pool  
24 house?

25 A. Yes.

NAN4FOS4

Foster - Direct

1 Q. Were you allowed in there?

2 A. No.

3 Q. Did there come a time when you learned that part of the  
4 kitchen window in the maids' quarters was covered over?

5 A. Yes.

6 Q. When was that?

7 A. It was I think around -- I think it was in June. I took  
8 the kids out. And when I came back, we went outside for them  
9 to have their play time. And when I came back inside, the  
10 windows was covered with paper.

11 Q. Did there come a time when Ms. Dula began making  
12 inspections of the maids' quarters?

13 A. Yes.

14 Q. When was that?

15 A. So when I'm on duty, Ms. Dula would come and see whatever  
16 like diapers and whatever products are there for the kids. She  
17 will come and check off while I'm there. And if Ms. Wright is  
18 leaving then she will do also the same with Ms. Wright.

19 Q. OK. And did Ms. Dula or anyone else ever ask you why any  
20 particular items were missing?

21 A. Yes. She would say that I -- if we want products for the  
22 kids we would have to text and ask. And if she bring like  
23 diapers for the kids, working seven days, and if there are out  
24 of wipes or diapers, and if I'm working, I would text her and  
25 say we're out. And she would say already? Or how come it's

NAN4FOS4

Foster - Direct

1 finished so fast?

2 Q. Did there come a time when you were contacted by Mr. Snow  
3 while you were visiting family?

4 A. Yes.

5 Q. When was that?

6 A. It was August of 2018.

7 Q. And that visit, was that vacation, something else?

8 A. Yes. It was my vacation.

9 Q. OK. And where were you at the time?

10 A. In Jamaica.

11 Q. OK. Were you visiting --

12 A. My families, yes.

13 Q. And what, if anything, did Mr. Snow say to you when he  
14 contacted you while you were in Jamaica?

15 A. He texted me and said that Ms. Dula is giving birth, so if  
16 I could come back immediately.

17 Q. OK. And did you agree to come back immediately?

18 A. Yes.

19 Q. And how many days into your vacation was it when you got  
20 that call?

21 A. So I went the Saturday, and he texted me I think it was the  
22 Sunday.

23 Q. So you had just started your vacation?

24 A. Yes.

25 Q. OK. And did he tell you, did Mr. Snow tell you where he



NAN4FOS4

Foster - Direct

1 wanted you to meet Ms. Dula?

2 A. Yes, it was in California.

3 Q. Where?

4 A. In Beverly Hills at their apartment.

5 Q. And that was for the birth of the baby?

6 A. Yes. That was for the birth of Child 3.

7 Q. Child 3?

8 A. Yes.

9 Q. OK. And was Child 3 born in that apartment?

10 A. Yes.

11 Q. OK. So you flew to Beverly Hills to help following Child 3's  
12 birth at the apartment?

13 A. Yes.

14 Q. And how long were you in Beverly Hills after Child 3 was  
15 born?

16 A. We weren't there for a month because we came back in  
17 September. So we flew from New York to California and then  
18 that's the same night when they flew to California, that was  
19 the same night in the morning, a.m., I flew to Jamaica.

20 Q. And so after staying in California, in Beverly Hills,  
21 following Child 3's birth you went back to New York?

22 A. Yes.

23 Q. How did you get back?

24 A. We flew together. Ms. Dula and Mr. Snow and the other two  
25 boys. So it would be three kids.

NAN4FOS4

Foster - Direct

1 Q. OK. How did you fly?

2 A. Private, on a private jet.

3 Q. OK. Did there come a time when you were notified that your  
4 pay was going to be cut?

5 A. Yes.

6 Q. When was that?

7 A. It was August of 2020.

8 Q. August of 2020?

9 A. Yes, I think it was August or July. I'm not sure of the  
10 month.

11 Q. Is there anything that might refresh your recollection as  
12 to when it was?

13 A. I'm trying to remember. I think it was between July and  
14 August. I'm not sure of the month. I don't remember.

15 Q. Were you notified -- how were you notified initially?

16 A. Mr. Snow sent me a text message.

17 Q. OK.

18 MR. LUCAS: OK. With the Court's permission, I would  
19 like to show Ms. Foster the text message.

20 THE COURT: Did you say something?

21 THE WITNESS: No.

22 THE COURT: Yes, fine.

23 MR RISO: What exhibit?

24 MR. LUCAS: It's PX-13 and DX-25.

25 Q. Do you recognize this exhibit, Ms. Foster?

NAN4FOS4

Foster - Direct

1 A. Yes.

2 Q. What is it?

3 A. It's where Mr. Snow has said that —

4 THE COURT: I'm sorry. Could you use the microphone.

5 A. So it was what Mr. Snow was saying, as you have heard, I've  
6 spoken to Verona. We are no longer able to pay you the salary  
7 you have been receiving.

8 Q. OK. Can you read the rest of it.

9 A. As we discussed when Child 4 was born, this — as we  
10 discussed when Child 4 was born, this payment schedule was  
11 temporary, and should have been adjusted before. We are  
12 willing to continue paying you at the rate of 500 per day when  
13 you have spoken --when we have spoken to a number of people.  
14 And we will make other arrangement. Thank you very much.

15 MR RISO: I'm not sure if that was all read.

16 MR. LUCAS: OK. So if I could just read the last  
17 part.

18 We have spoken to number of people and know this this  
19 is more than reasonable for the job being performed. If this  
20 is unacceptable, let me know, and we will make other  
21 arrangements. Thanks a lot.

22 THE COURT: Let's wrap this up in the next five  
23 minutes for today.

24 Q. Ms. Foster, when Child 4 was born, was there any indication  
25 from Mr. Snow that after Child 4 reached a certain age your pay



NAN4FOS4

Foster - Direct

1 would be reduced to \$500?

2 A. No.

3 Q. OK. What, if anything, did Mr. Snow tell you about any pay  
4 adjustment relating to Coco's birth in the fall of 2019?

5 A. He only said that he was going to give us a hundred  
6 dollars. And when Child 4 is sleeping through the night, then  
7 he will reduce the hundred dollars.

8 Q. OK. And after receiving this text, what, if anything did  
9 you think its significance was?

10 A. I think he wanted us to quit.

11 Q. Why do you think that?

12 A. Because Ms. Dula has made comments that we are black  
13 bitches, and dirty Jamaicans. And because Ms. Wright had  
14 confronted her, and I think I don't know. I can't say they  
15 come to a decision that, you know, this is what we're going to  
16 do to get rid of them. I don't know.

17 THE COURT: That was just your perception?

18 THE WITNESS: Yes.

19 THE COURT: Your supposition.

20 Let's stop for today. It's almost 5:00. Let's let  
21 these jurors go home.

22 OK. Ladies and gentlemen, tomorrow we will start at  
23 10:15. That's because many, many months ago I scheduled, at  
24 10:00, an approval hearing in a class action that was settling,  
25 and you have to do that way in advance, way in advance of

NAO4FOS1

Foster- Direct

1 A. Good morning.

2 Q. OK. Ms. Foster, I forgot to ask you yesterday, do you have  
3 any children of your own?

4 A. Yes.

5 Q. Can you tell us just a little bit about them?

6 A. So I have three kids: Two boys, one girl. My son is in  
7 aviation college. My daughter is an RN, and the other one is a  
8 social worker.

9 Q. How would you describe your relationship with defendant's  
10 children during your tenure with defendants?

11 A. I was very close with the kids. I was very attached to  
12 them. I loved them as they were my own kids.

13 Q. OK. During the course of your employment, did you provide  
14 service to the defendants at any of their other properties?

15 A. Yes.

16 Q. OK. Which ones?

17 A. So I did California. I did the Hamptons, and I did New  
18 York City.

19 Q. OK. Did Ms. Dula have any rules concerning food  
20 consumption for the children?

21 A. Yes.

22 Q. What were those rules?

23 A. So Ms. Dula don't like when the kids eat a lot because she  
24 complains that they are gaining weight. Also, she doesn't like  
25 when they drink like regular whole milk. She wants them to

NAO4FOS1

Foster- Direct

1 have, especially Child 3, she want them to have almond milk,  
2 non-sweetened milk.

3 Q. Did you follow Ms. Dula's rules?

4 A. Yes.

5 Q. OK. All right. Were there video cameras in defendants'  
6 home?

7 A. Yes.

8 Q. Can you describe how many and the placement?

9 A. So it was a lot of video cameras. We have a video camera  
10 pointing on the bed that we were sleeping on. Also, we have  
11 video cameras in the hallways. Also, there were video cameras  
12 in the kitchen right above the stove where we share the kids'  
13 meal and in the living room, in the dining room. It was all  
14 over in the house.

15 Q. For how long was there a video camera pointing on the bed  
16 that you were sleeping on?

17 A. It was when we moved to the mansion.

18 Q. The one in Bridgehampton?

19 A. Yes.

20 Q. So the one that you mentioned in May of 2020?

21 A. Yes.

22 Q. OK. Did Ms. Dula talk through the camera?

23 A. Yes.

24 Q. Okay. What types of things would she say?

25 A. If the kids are crying she would scream at them over there



NAO4FOS1

Foster- Direct

1 and said they need to stop crying. The one that are in the  
2 kids' bedroom, you know, the kids would be playing and  
3 screaming at each other. She would speak to them over the  
4 camera. And also in the living room, like, we would have the  
5 kids playing, you know, if they are misbehaving then she would  
6 scream at them and tell them they need to stop doing what  
7 they're doing. Also the one that is in the kitchen, sometimes  
8 like when we are sharing the food, she would be watching and  
9 say that's too much food on their plates.

10 Q. OK. Were there any weight issues with the children other  
11 than what you alluded to Child 2 being underweight when you  
12 first started?

13 A. Yes. So when we were in the house in the city, Ms. Dula  
14 and -- I wasn't working, but I understand from --

15 Q. I just want while you were working.

16 A. Yes.

17 Q. OK.

18 A. So the kids were -- all of the kids from Child 1, Child 2,  
19 and Child 3, they were underweight. Because Ms. Dula wanted to  
20 just give them, like, vegetables and just, like, a little piece  
21 of meat. She don't want us to give them like a big portion of  
22 food.

23 Q. Okay. And did you do any types of outdoor activities with  
24 the children during your tenure with defendants?

25 A. Yes, I do a lot of those. I take them to the park. I



NAO4FOS1

Foster- Direct

1 arrange playdates in the park with other kids. Like I would  
2 take their lunch with them in the park so they could, you know,  
3 be with their friends, bring balls. I also bring books that we  
4 could read to the kids in the park. Yes, and we took them to  
5 the library, yes.

6 Q. OK. What types of indoor activities, if any, did you do  
7 with the children during your tenure with defendants?

8 A. So we have in the city apartment, there was a play room.  
9 So I would go down there. I ordered chalkboard for the older  
10 boy. I teach him how to try to spell his name. I like show  
11 him, like, write letters, and let him pronounce the different  
12 letters. And I also, like, you know, read to him. I give him,  
13 like, crayons so he can circle, you know, teach him how to  
14 start writing.

15 Q. OK. What, if anything, did you do to provide emotional  
16 support to the children?

17 A. There was a lot of abuse going on in the homes. And I  
18 tried to comfort them as much as I can. There was one incident  
19 in July of 2020 where Mr. Snow told me the night before that he  
20 wanted to take the boys out for breakfast. So I got them  
21 dressed, ready. And then he came and he got the boys. So I  
22 noticed that it wasn't long, he came back, and he was screaming  
23 for my name, "Cordia, Cordia, Cordia." And I say to him, Ian,  
24 what happened? And with a rage, he was, like, Child 3 was  
25 being so naughty, and I had to spank him. And he said that the  
other



NAO4FOS1

Foster- Direct

1 boys couldn't get to finish their breakfast because of the way  
2 how Child 3 was behaving. And the -- so I gave Child 3  
3 breakfast because he said Child 3 was screaming. So I gave  
4 Child 3 a bowl of cereal. I noticed that when Child 3 was  
5 sitting down to eat, he wasn't sitting properly, like the way  
6 like I am sitting now. And I, you know, I went to -- because he  
7 was still in diapers, I went to change his diaper, and then I  
8 see a lot of bruises, like bad bruises like, a lot of batters on  
9 him.

10 Q. Did you do anything to comfort Child 3?

11 A. Yes. I hold him. I hugged him. I cried. And Ms. Dula's  
12 sister came over. And I showed her the bruises on Child 3. It  
13 was very concerning. And Ms. Dula's sister said, oh, boy, daddy  
14 really beat him bad.

15 Q. Did you play any sports with the children?

16 A. Yes.

17 Q. What kind?

18 And I thought, man, I can't believe this was a bad guy, I'd like to see Dula  
19 and we used to play ball. We used to walk around. The three  
20 boys would walk around. So I would push Child 4 in the  
21 stroller. So we would walk around the field, and they have  
22 their swings. I would push them in the swings. Sometimes I  
23 would sit in the swings and whoever wants to come, I'll just  
24 put them in my lap and we'll swing together. I would also  
25 climb in the playhouse with them and play hide and seek with  
them. And we would

NAO4FOS1

Foster- Direct

1 sometimes run around the field. There is like a -- also a  
2 thing on the playfield where I don't know exactly what it is,  
3 but it's like where skaters would go and skate on. So we would  
4 just run. We would just run on it.

5 Q. So were there any times when you felt -- strike that.

6 You mentioned yesterday in substance that you weren't  
7 allowed in the second mansion or in the guest house/pool house.  
8 Do you recall that?

9 A. Yes.

10 Q. OK. How did that make you feel?

11 A. I feel very horrible. It makes me feel like I'm not a  
12 human being. But most importantly, I felt bad for the kids  
13 because they were also not allowed. And on a few occasions,  
14 Mr. Snow would come and take the kids to go watch TV with him  
15 in the mansions. Like a few seconds, he will take them back,  
16 and I will see like long faces on the kids. And I'm like what  
17 happened? Momma don't want us. Momma don't want us to have --  
18 watch TV. So it was pretty heartbreaking for me to see what  
19 was going on with those kids, physically, mentally, abuse.

20 Q. Does it make sense to you that someone who didn't care all  
21 that much about their children would have so many children?

22 MR. RISO: Objection.

23 THE COURT: The objection is sustained.

24 Q. Is it your testimony that Ms. Dula did not care about her  
25 children?

NAO4FOS1

Foster- Direct

1 MR. RISO: Objection.

2 THE COURT: The objection is sustained. Let's move  
3 on. This is actually not a case about how Ms. Dula feels about  
4 her children. It's a race discrimination case. Let's move on,  
5 please, to something relevant.

6 Q. Did Ms. Dula ever tell you why the kitchen window in the  
7 maids' quarters had been partially covered over?

8 A. No, she did not tell me.

9 Q. Did you ever try to peek through any of the windows in the  
10 mansion at any time?

11 A. No. There is no windows. Because where the window was  
12 pasted over, if you stand there and are washing the dishes.  
13 The window is right there so you have to look. You can't be  
14 holding your head down. It's straight in front of you where  
15 the kitchen sink is facing the mansion.

16 Q. Well, could you see into the mansion --

17 A. No, no.

18 Q. A few moments ago you mentioned a -- strike that.

19 Where did Child 4 sleep, the youngest child, when you  
20 were in the maids' quarters at the second mansion?

21 A. Child 4 was in the same room with me.

22 Q. With you?

23 A. Yes.

24 Q. And you mentioned audio-visual camera in that room. Could  
25 it also pick up where Child 4 was after it was moved?



NAO4FOS1

Foster- Direct

1 A. The camera was directly on our bed.

2 Q. OK. But could it also pick up the crib once it was moved?

3 A. I'm not sure if the camera was -- or if it could turn. But  
4 it was directly facing down on the bed where we sleep. And it  
5 was the corner to where our bed was, not to where the crib was.

6 Q. Is that how the cameras had been pointed at the previous  
7 properties?

8 A. No. Those are in Child 4's crib only.

9 Q. How did it make you feel to have an audio-visual camera  
10 pointed at your bed?

11 A. I feel very devastated, very heartbroken, because Ms. Dula  
12 wasn't the only one who could view the cameras. Mr. Snow has  
13 access to the camera too. And, you know, for a woman sleeping  
14 in the bed, he could view it. I could turn back in the bed,  
15 and he could see me, how I was positioned. So I was very  
16 uncomfortable with that situation.

17 Q. Would you have been OK with Ms. Dula watching you through  
18 the camera in your bed?

19 A. No.

20 Q. Why not?

21 A. I think it's inappropriate for you to be spying on someone  
22 how they are sleeping. Because as I said, you could make a bad  
23 turn, I have my clothes on which is a nightgown, I could turn a  
24 certain way and she seen how I look in the back. So I wasn't  
25 comfortable.

NAO4FOS1

Foster- Direct

1 Q. Did that have any impact on how you slept at the second  
2 mansion there?

3 A. Yes. A lot of times I go into the living room even though  
4 there were camera in the living room. I would go in the living  
5 room, and I would sleep in the couch. Sometimes I will go on  
6 the floor.

7 Q. Did you perceive any sort of relationship between these  
8 events that we have been discussing since after Ms. Dula --  
9 since after you were told that Ms. Dula referred to you and  
10 Ms. Wright as black bitches?

11 A. Yes.

12 Q. What relationship did you perceive?

13 A. Well, can you repeat the question. I don't understand what  
14 you said.

15 THE COURT: I don't either.

16 THE WITNESS: I don't understand.

17 Q. We covered a number of things, some racial slurs --

18 THE COURT: OK. Such as? Don't you give a speech.

19 Ask the question.

20 Q. OK. With respect to the things that you said changed about  
21 the relationship after Ms. Wright told you that Ms. Dula  
22 referred to you as black bitches, did you perceive a  
23 relationship between those various changes that were happening?

24 MR. RISO: Objection.

25 THE COURT: The objection is sustained. That's for

NAOAAFOS2

Foster - Direct

1 the jury to decide. Let's move on, please.

2 Q. OK. Now, Ms. Foster, I want to play for you a video that's  
3 in evidence.

4 Before I do so, let me ask you, so did you record the  
5 conversation with Mr. Snow about the pay cut?

6 A. Yes, I did.

7 Q. OK. And I'm going to play an exhibit in evidence for you  
8 and then ask you a few questions about it.

9 A. Sure.

10 (Video playing)

11 (Continued on next page)

12 MR. RISO: DX44?

13 MR. LUCAS: Yes. Apparently, the Court's -- it's not  
14 being picked up on the system. So maybe I can come back to  
15 that later.

16 THE COURT: Let's come back to that.

17 MR. LUCAS: Yes. With the Court's permission, could I  
18 show the witness the transcript that the parties have exchanged  
19 of that audio and ask questions about that?

20 MR. RISO: I have no objection, your Honor.

21 THE COURT: I said let's move on. Do it any way you  
22 want. I'M not going to tell you how to try the case.

23 MR. LUCAS: I didn't hear you, your Honor. Thank you.

24 (Pause)

25 Q. So, Ms. Foster, what I'd like to do is have you take a

NAOAAFOS2

Foster - Direct

1 moment and read through that. Then I'm going to ask you a few  
2 questions about it. All right?

3 MR. RISO: Your Honor, should we mark the exhibit? It  
4 was an aid.

5 THE COURT: Correct.

6 MR. LUCAS: I have no objection to it being marked.

7 THE COURT: What number is the tape?

8 MR. RISO: Forty-four.

9 THE COURT: Plaintiff's 44A, okay, now for  
10 identification.

11 Now let's go.

12 Q. Do you recognize that exhibit, Ms. Foster?

13 A. Yes.

14 THE COURT: What is it?

15 Q. What is it?

16 THE COURT: Tell me what it is.

17 A. This is a transcript of the recording. I don't see -- the  
18 writings are too fine for me.

19 THE COURT: Is this a transcript of a recording that  
20 you made of the conversation you had with Mr. Snow?

21 MR. RISO: Yes.

22 THE COURT: This is the words that were said on the  
23 tape.

24 Q. Are you able to read it?

25 A. The writings are fine but, yeah, I could understand some of



NAOAAFOS2

Foster - Direct

1 what's there.

2 THE COURT: I don't understand what that means. It's  
3 a yes or no question.

4 THE WITNESS: Yes.

5 THE COURT: You can read it. Keep going.

6 Q. Okay. On the left-hand side of the exhibit you can see  
7 numbers representing the time interval of the transcript.

8 Do you see that?

9 THE WITNESS: Yes.

10 MR. LUCAS: Okay. Could you just go down to the four  
11 minute --

12 THE COURT: Actually, no. Put it down.

13 Ask her what was said in the conversation, okay.  
14 That's what you do with your witness. You do not do this. You  
15 ask her what was said in the conversation. What did you say to  
16 him? What did he say to --

17 Q. Ms. Foster, what was said during the conversation?

18 A. So, Mr. Snow was explaining to us about the pay cut and he  
19 was telling us that he is going to get other people to come in  
20 and help us to take care of the boys. So he had to cut our  
21 salary so that, I guess the rest of the money is to help to pay  
22 whosoever was coming in. And he had mentioned that we would be  
23 working eight hours per day and during the conversation we  
24 were, you know, talking. Mr. Snow was explaining that, you  
25 know, he likes us. He likes the job that we were doing. We

NAOAAFOS2

Foster - Direct

1 also, Ms. Wright and I, also said that we liked both women and  
2 Ms. Dula. Ms. Dula wasn't in the meeting with us, so we asked  
3 Mr. Snow if he could go get Ms. Dula to come join us. Mr. Snow  
4 went but he came back. Ms. Dula did not come back with him.  
5 So during the conversation I said to Mr. Snow that it's okay  
6 with him if he's going to go down with our work, if he is going  
7 to get other people to come in and help us to do the job.

8 Q. Okay. And were your roles or responsibilities ever reduced  
9 at any point in time after that meeting?

10 A. No. It was the same.

11 Q. Was your pay reduced at any time after that meeting?

12 A. Yes.

13 Q. Okay. How long after?

14 A. So, Ms. Wright was -- the same Sunday when we had the  
15 meeting that was the same Sunday that I came on. So Ms. Wright  
16 get the full salary of what our pay used to be. I asked  
17 Mr. Snow that since I am coming on this week if he could reduce  
18 my pay the following week. Mr. Snow went and asked Ms. Dula if  
19 that was okay. And he came back and Ms. Dula said it was okay.

20 Q. Okay. So your pay was reduced from what to what?

21 A. So it was from 1300 to 500 per day.

22 Q. Okay. And just for clarity, for you, when did it become  
23 500?

24 A. So we do two weeks on and two weeks off. So I spent -- so  
25 it was when I come off and when I came on back the following

NAOAAFOS2

Foster - Direct

1 week, then that would be when my --

2 Q. Okay. During that meeting did you say anything to Mr. Snow  
3 about how you felt about the pay cut?

4 A. Yes.

5 Q. Okay. Did you tell him everything that you felt about the  
6 pay cut?

7 A. Yeah. I told him that you know, if someone else is coming  
8 in, and as I said, was going to help us to do the job, then we  
9 will be okay with the \$500 per 24 hours.

10 Q. Okay. Now, did there come a time when you received a text  
11 message concerning something about going on in the guest house?

12 A. Yes. I got a text message from Ms. Dula asking me what was  
13 I looking in the guest house for.

14 Q. Okay. I am going to pull that up and ask you to please  
15 take a look at that.

16 (Pause)?

17 MR. RISO: Didn't we do this yesterday?

18 THE COURT: No.

19 MR. LUCAS: I don't think so.

20 Q. Can you see what's been marked as PX 15, Ms. Foster?

21 A. I'm not seeing anything on my screen.

22 THE COURT: There's nothing on her screen.

23 MR. LUCAS: Okay. So the screen stopped working.

24 THE COURT: Vincent is here.

25 MR. LUCAS: May I approach, your Honor?

NAOAAFOS2

Foster - Direct

1 THE COURT: No, no. Vincent is here.

2 (Pause)

3 Q. Ms. Foster, is the text message?

4 A. It went off.

5 THE COURT: It did go off. Why don't you just ask her  
6 questions about the text message. Okay. There it is back on  
7 the screen.

8 MR. LUCAS: I'd just like her to be able to identify  
9 it, your Honor.

10 Q. Okay. Is this the text message that you just testified  
11 about?

12 A. Yes.

13 Q. Okay. Had you been looking for anything in the guest  
14 house?

15 A. No.

16 Q. At any point in time?

17 A. No.

18 Q. Had you ever been in the guest house at any point in time?

19 A. No.

20 Q. What did you think or feel about Ms. Dula's text about you  
21 looking for something in the guest house?

22 A. I feel really bad because I just think that Ms. Dula was  
23 accusing me of something that I did not do. So I feel really  
24 bad. I felt very uncomfortable.

25 Q. What did you write back to Ms. Dula in response to that

NAOAAFOS2

Foster - Direct

1 text?

2 A. So I wrote back, What are you talking about? What guest  
3 house did you see me in? And a question sign. Do not tell any  
4 lies on me. This is a big allegation that I am not going to  
5 take from you. You have your cameras to show you everything.

6 Q. Did Ms. Dula apologize after getting your response?

7 A. She did not.

8 Q. Did she respond to you in any way?

9 A. No.

10 Q. Did there come a time when the -- strike that.

11 Was there a wifi extender in the maids' quarters?

12 A. Yes.

13 Q. Did there come a time when the wifi extender was no longer  
14 in the maids' quarters?

15 A. Yes.

16 Q. Okay. Tell us what happened.

17 A. So, the wifi was there and Ms. Dula and Mr. Snow was going  
18 to the city. I noticed that Ms. Dula came in and she took the  
19 wifi out. Mr. Snow came into the apartment and I told Mr. Snow  
20 that Ms. Dula took the wifi out and I don't remember if  
21 Mr. Snow texted her or he asked her about the wifi, and she  
22 said that it wasn't working.

23 Q. And when did that happen in relation to when you were  
24 terminated?

25 A. I think it was in August. I'm not sure of the exact date

NAOAAFOS2

Foster - Direct

1 but it was when, you know, everything that was going on after  
2 Ms. Wright heard Ms. Dula say "black bitches" and when Ms. Dula  
3 called us "dirty Jamaicans".

4 Q. Did there come a time when you learned that you no longer  
5 had a job to care for defendants' children?

6 A. Yes.

7 Q. When was that?

8 A. It was in August I got a text message from Mr. Snow stating  
9 that -- I'm not sure of the exact text but he said that I'll  
10 probably hear from Ms. Wright that thanks for working with my  
11 family. Your service is no longer needed.

12 Q. What did you think or feel when you learned that you were  
13 terminated?

14 A. I feel very heartbroken. I feel very bad. Most  
15 importantly, I missed the kids. And I, you, know I did not get  
16 to say good bye to them.

17 Q. Well, how did that make you feel, not being able to say  
18 good bye to the children?

19 A. It was very heartbroken for me because the kids and I have  
20 a very good relationship. We have a great bonding. There are  
21 times every time when I'm leaving my job the older boy, Child  
22 1, he would come. He would cry, devastated. Don't go, Cordia.  
23 Don't go. He would hang onto my pants, you know. So I have a  
24 great relationship with the kids. I love them so much as if  
25 they were my own kids and I was very heartbroken because of all



NAOAAFOS2

Foster - Direct

1 the things that I went through with them. So it was very hard  
2 for me not to say good bye to them.

3 Q. Did you discuss those feelings that you were experiencing  
4 with anyone else?

5 A. Yes. Ms. Wright.

6 MR. RISO: Objection.

7 THE COURT: Overruled.

8 Q. Did Ms. Wright discuss what, if any, feelings she was  
9 having with you?

10 MR. RISO: Objection.

11 THE COURT: The objection is sustained.

12 Q. Did there come a time when you spoke to Ms. Wright about  
13 the termination?

14 A. Yes.

15 Q. Okay. What did you say and what did she say?

16 MR. RISO: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: Answer the question?

19 THE COURT: Yes.

20 A. Yeah. So, Ms. Wright, I mean we were --

21 THE COURT: I don't want to know what you were  
22 thinking. I don't want to know what you were feeling. I want  
23 to know what you said to her and she said to you.

24 A. I said to Ms. Wright that I really missed the kids and I  
25 wish if I could say good bye to them. Ms. Wright also said the



NAOAAFOS2

Foster - Cross

1 same thing to me. And I, you know, the housekeeper there who  
2 would send us pictures even though we were terminated, pictures  
3 of the kids still showing us how they were doing. And at one  
4 point the housekeeper had told me that --

5 THE COURT: No, no. We don't want to know what the  
6 housekeeper said.

7 Move on. Ask your next question.

8 THE WITNESS: I'm sorry.

9 MR. LUCAS: I'm done with Ms. Foster, your Honor.

10 THE COURT: Okay. Great.

11 Cross?

12 MR. RISO: Yes, your Honor.

13 CROSS-EXAMINATION

14 BY MR. RISO:

15 Q. Good morning, Ms. Foster.

16 A. Good morning.

17 Q. You'd testified earlier that when you began to work with  
18 the Snow/Dula family you were paid \$600 a day; do you recall  
19 that?

20 A. Yes.

21 Q. That was to be a baby nurse to Child 2, right?

22 A. Yes.

23 Q. And the pay at \$600 a day, that's something that you  
24 discussed with Mr. Snow, correct?

25 A. No. I did not make any discussion with Mr. Snow regarding

NAOAAFOS2

Foster - Cross

1 money. I came through an agency. The agency was the one who  
2 made the payment arrangement with Mr. Snow and the agreement. Q.  
3 When you became a nanny for Child 1, in addition to being the  
4 baby nurse for Child 2, in or about September 2017, you were  
5 given an escalation in your rate to \$800 a day, correct?

6 A. Yes.

7 Q. Did you discuss that with Mr. Snow?

8 A. Me and Ms. Dula had the conversation.

9 Q. Okay. So you talked about what you thought would be a fair  
10 rate for you given that you were now being asked to take on the  
11 responsibility of Child 1, correct?

12 A. Yes.

13 Q. So you had the ability as a baby nurse nanny to negotiate  
14 with the families what pay rate you believed would be  
15 reasonable and that would satisfy you, correct?

16 A. Yes.

17 Q. You don't have to stay with any family. You could leave  
18 and go somewhere else at any time, right? You have this  
19 freedom, right?

20 A. Not if I'm under a contract.

21 Q. Okay. You were not under a contract for more than two  
22 months with Mr. Snow?

23 A. No. I was still under a contract.

24 Q. When did your contract end?

25 A. I think it was supposed to end in September.

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Foster - Cross

1 Q. So I said two months. Okay. You started in August. It  
2 was supposed to end in September. After that period, you were  
3 not under a contract with Mr. Snow, correct?

4 A. No.

5 Q. So for all of the time from September 2017 to August of  
6 2020, you were free to leave at any point, right?

7 A. Yes, if I want to.

8 Q. If you thought you weren't getting enough money, you could  
9 leave, correct?

10 A. Yes.

11 Q. You thought that the conditions of your employment were not  
12 palatable to you, you had a choice to leave, correct?

13 A. Yes.

14 Q. Is it fair to say that your assignments that you had  
15 throughout the course of your career have basically been as a  
16 baby nurse; is that a fair characterization?

17 A. Could you repeat the question?

18 Q. Yeah. So you have been in this profession since I believe  
19 that you said around 2005?

20 A. Yes.

21 Q. So from 2005 to today, almost 20 years, most of your  
22 assignments have been as a baby nurse, right?

23 A. It's a yes or no question. Because if I sometimes go on a  
24 job and my assignment would be for three months, then the  
25 parents would extend it to six months. They could extend it to



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Foster - Cross

1 nine months. They could extend it a year. They could extend  
2 it to two years.

3 Q. So it's a little fuzzy of a question because if you are  
4 with that baby beyond a point and time when a baby nurse  
5 requiring baby and stay on, then you consider that you're no  
6 longer a baby nurse but you are still taking childcare for that  
7 six-month-old, nine-month-old, one-year-old; am I saying that  
8 correctly?

9 A. Yes, but I still get the same salary as baby nurse.

10 Q. Okay. As a baby nurse you're basically there from pretty  
11 much day one of the child's life; is that fair?

12 A. Yes.

13 Q. In most instances, right?

14 A. Yes.

15 Q. In fact, you told us about Child 3 being born in California,  
16 right?

17 A. Yes.

18 Q. And you were there when Child 3 was born, right?

19 A. I came after the birth of Child 3. So it was a mistake that  
20 I made.

21 Q. So Child 3 had already come into the world by the time you  
22 got to California?

23 A. Yes.

24 Q. So, is it fair to say that the baby nurse stage typically  
25 for babies is about two maybe three months, this 24-hour

NAOAAFOS2

Foster - Cross

1 assignment period?

2 A. As I said, depending on what the family wants.

3 Q. Okay.

4 A. So I can answer your question and said yes that would be  
5 fair for two months, when it could be longer than two months.

6 Q. So some kids could be a little longer than two months.  
7 Some could be a little shorter than two months?

8 A. Yes.

9 Q. Isn't it true that at any time in 2020 as you continued on  
10 as a nanny for my clients' children, you had never been a  
11 caregiver for a four-year-old. Child 1 was about as old as a  
12 toddler as you had ever cared for as a nanny; is that fair to  
13 say?

14 A. No.

15 Q. Had you worked with any child as old as a four-year-old  
16 before 2020?

17 A. Yes. I worked with a family before that.

18 Q. When was that?

19 A. I think it was, I'm not sure of the year, if it was 2016 or  
20 2015.

21 Q. Was that the Wolfe family?

22 A. Yes.

23 Q. And the Wolfe family, you came onto the Wolfe family when  
24 the child was a day old, right?

25 A. Yes.

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Foster - Cross

1 Q. And you stayed there for two years, right?

2 A. Yes.

3 Q. So he is two years old when you leave, right?

4 A. I think Mark was, I'm not sure of the age, if he was two or  
5 three. I'm not sure of the exact date.

6 MR. RISO: Okay. I'd like to mark as our next exhibit  
7 Defendant's Exhibit 45 for identification, A two-page document  
8 and show it to the witness.

9 Q. So before I show it to you, Ms. Foster, do you have a  
10 LinkedIn page?

11 A. No.

12 Q. Are you on LinkedIn?

13 A. Oh, yes.

14 Q. You have a resume on LinkedIn that you would post?

15 A. Yes.

16 Q. Okay. I'd like to show you what I found on LinkedIn and  
17 ask you if you can identify it.

18 MR. LUCAS: May I have a copy, counsel?

19 MR. RISO: Sure.

20 Q. Is this your resume that you post on LinkedIn?

21 A. Yes.

22 Q. Okay. And this is basically a resume which describes your  
23 work in the field as a baby nurse from roughly 2007 through  
24 September 2016, correct?

25 A. Yeah. I have more jobs that I do. So I reorganize my

NAOAAFOS2

Foster - Cross

1 resume most of the time.

2 Q. Okay.

3 A. So this was a long resume that I didn't make any change to.

4 MR. RISO: All right. I'd like to move DX 45 into  
5 evidence, your Honor.

6 MR. LUCAS: No objection.

7 THE COURT: Admitted.

8 (Defendant's Exhibit DX45 received in evidence)

9 Q. So just looking at THE resume that we do have in front of  
10 us --

11 THE COURT: You are offering? By the way, you don't  
12 move it. You offer it.

13 MR. RISO: Yes, your Honor. I'M sorry.

14 Q. On these TWO pages you list 16 assignments, correct?

15 A. Yes.

16 Q. And the first assignment is in 2007, correct?

17 A. I'm not seeing 2007.

18 MR. RISO: Your Honor, may I hand the witness a hard  
19 copy?

20 THE COURT: Yes, you may. I wish you would.

21 (Pause)

22 MR. RISO: May I approach the witness?

23 THE COURT: You are going to have to, if you are going  
24 to hand it to her.

25 MR. RISO: Thank you, your Honor.



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Foster - Cross

1 (Pause)

2 Q. That, Ms. Foster, is a hard copy of what is in evidence as  
3 DX 45. And you start in 2007 on your resume, right?

4 A. Yes.

5 Q. And for all 16 positions on this resume which is two pages,  
6 each one you're saying that you're a baby nurse, right?

7 A. Yes.

8 Q. And is it fair to say just from looking at the beginning  
9 dates and the end dates, that of these 16 assignments, your  
10 assignments are lasting anywhere between ten days and several  
11 months to as long as two years on the last one, correct?

12 A. Yes.

13 Q. And the last one is the Wolfe family that we started to  
14 talk about, correct?

15 A. Yes.

16 Q. And there you list on your resume that you started in  
17 September 2014 and the assignment ended in September 2016.

18 Do you see that?

19 A. Yes.

20 Q. So the one-day child that you would have begun as baby  
21 nurse for in 2014 would have been two years old at the time of  
22 your departure from that family; would you agree?

23 A. Yes.

24 Q. I'll ask you the question again. In 2020 when you were a  
25 nanny for my client, isn't it fair to say that Child 1 was the

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Foster - Cross

1 first four-year-old under our care?

2 A. Yes.

3 Q. And in fact, his brother, Child 2, was the first  
4 three-and-a-half-year-old in your care?

5 A. Yes.

6 Q. Did you ever tell either Elyse or Ian that you had never  
7 provided nanny services for a young toddler that age?

8 MR. LUCAS: Objection, your Honor.

9 THE COURT: Overruled.

10 A. I don't remember having that conversation with Mr. Snow or  
11 Ms. Dula.

12 Q. Okay. So let's go back to September 2017 when you take  
13 over the nanny role for Child 1 and that was precipitated by,  
14 I think you testified that Elyse Dula had fired Liz Little?

15 A. Right.

16 Q. By the way, Liz Little is white, right?

17 A. Yes.

18 Q. You are the one taking over the nanny job for Child 1 that  
19 she had before she was fired, correct?

20 A. Yes. Before I took over the role of being the nanny or  
21 anyone, Ms. Dula sister, Megan, was the one who started it  
22 before I started.

23 THE COURT: You mean, Megan was the nanny for Child

24 1?THE WITNESS: Yes, before I took over Dula.

25 Q. Megan is Elyse Dula's sister?



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Foster - Cross

1 A. Yes.

2 Q. And Megan Dula is helping her sister in the household with  
3 the children, right?

4 A. Yes.

5 Q. You are coming on as the professional paid nanny, right?

6 A. Yes. So Megan and I used to do the rotation.

7 Q. And when you came on for the sole position at \$800 increase  
8 you then became the nanny caretaker or Child 1; is that fair to  
9 say?

10 A. Yes.

11 Q. Is it fair to say that by the end of September/early  
12 October Child 2 was no longer in the baby nurse stage, right?A.  
13 Yes.

14 Q. So then by October 2017, you're a nanny, right?

15 A. Yes.

16 Q. For two boys?

17 A. Yes.

18 Q. Three or four-month-old and about a-year-and-a-half-old,  
19 right?

20 A. Yes.

21 Q. But your pay continues at \$800a day, right?

22 A. Yes.

23 Q. And then in April of 2018, does your rate change?

24 A. In 2018, yes, that was when Child 3, yes. No. In 2018 of  
25 April it was still the same 800.

NAOAAFOS2

Foster - Cross

1 Q. Well, did you get extra pay for weekend days?

2 A. If I got paid for weekends?

3 Q. Yes.

4 A. Yes. Mr. Snow start paying me on Saturday and Sunday for  
5 time and a half.

6 Q. Okay. So I'm just trying to pinpoint when you got the  
7 extra time and a half for the weekends. Am I correct that that  
8 would have been in or about April of 2018?

9 A. I'm not sure of the correct date but I think it was that  
10 time because Mr. Snow started paying me time and a half for the  
11 weekend, which is Saturday and Sunday when he and Ms. Little, I  
12 think, went to court. That's when --

13 Q. Is this a rate that you negotiated with Mr. Snow at that  
14 time?

15 A. No, I did not.

16 Q. Okay. And then we have a new baby that's born, right, on  
17 August is the ■, 2019; do you recall that?

18 A. Yes.

19 Q. And that's Child 3?

20 A. Yes.

21 Q. And when Child3's born you become a baby nurse, right?

22 A. Yes.

23 Q. And you are also the nanny for tow boys now, Child 1 and  
24 Child 2?

25 A. Yes.



NAOAAFOS2

Foster - Cross

1 Q. You become a baby nurse for Child 3, your pay rate goes up,  
2 right?

3 A. Yes.

4 Q. At that point in time which would be August 2019, you are  
5 paid \$1,200 for weekdays, correct?

6 A. Yes.

7 Q. And \$1,800 a day for weekends, correct?

8 A. Yes. I'm not remembering the calculation in my head but.

9 Q. Okay. And then is it fair to say that by January 2019,  
10 Child 3 is no longer in the baby nurse stage?

11 A. So Mr. Snow said that when Child 3 -- Actually, I didn't  
12 have a conversation with Mr. Snow about.

13 Q. So what I'm asking you is not a conversation with Mr. Snow.  
14 I'm asking your recollection by January of 2019, am I correct  
15 that Child 3 was no longer in the stage of requiring a baby  
16 nurse?

17 A. He was four months old. So I would still say that, yeah, I  
18 have to perform the job as a baby nurse because he wasn't  
19 sleeping through the night. So, yes, I was still a baby nurse.

20 Q. So at what point would you say that Child 3 was no longer  
21 requiring the services of a baby nurse?

22 A. It really took a long time for Child 3 because there was a  
23 lot of complication with Child 3 wasn't sleeping at all through  
24 the night at all. He was constantly not sleeping. We'd have to  
25 be getting up, you know, comforting him, walking

NAOAAFOS2

Foster - Cross

1 around the room. So Child 3, the baby nurse took really a  
2 long time for Child 3.

3 Q. Do you recall filing a pleading in court under oath where  
4 you made the representation in your pleading that by January  
5 2019, Child 3 no longer required the services of a baby nurse?  
6 You were performing at that point in time the functions of a  
7 nanny?

8 MR. LUCAS: Your Honor, may we approach at side bar?

9 THE COURT: No, we may not.

10 A. I don't recall.

11 Q. All right. I'd like to show you something and see if I can  
12 refresh your recollection.

13 MR. RISO: May I approach, your Honor?

14 MR. LUCAS: May I as well, your Honor?

15 THE COURT: Why are you approaching? You are not  
16 asking her questions. Sit down.

17 MR. LUCAS: I am asking, your Honor --

18 THE COURT: You may not.

19 MR. LUCAS: I believe one of your orders is about to  
20 be violated.

21 THE COURT: Excuse me. Excuse me. Show her the  
22 document. See if it refreshes her recollection. Sit down.

23 Q. I'd like to show you Paragraph 15 and read it to yourself.

24 THE COURT: Don't read it out loud, ma'am.

25 Q. Does Paragraph 15 refresh your recollection that you stated



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Foster - Cross

1 that by January 2019, you were solely performing the services  
2 of a fanny, not as a combined baby nurse nanny?

3 THE COURT: Does that jog your memory about that,  
4 ma'am?

5 (Pause)

6 A. Yes, I see that.

7 THE COURT: Now, the question isn't what you see. The  
8 question is does that jog your memory so that as you sit here  
9 today you recall?

10 A. Yes, I still can't recall.

11 THE COURT: She still can't recall.

12 MR. RISO: Your Honor, I would like to now ask her  
13 specifically about a document I want to move in admission.

14 THE COURT: Excuse me. Excuse me. Are we done with  
15 the deposition? Are you offering her testimony since she can't  
16 recall? She is a party. What are we doing here?

17 MR. RISO: I'm offering Paragraph 15 of that document  
18 into evidence as an admission.

19 THE COURT: Any objection? It's in. Next?

20 MR. RISO: Okay. Thank you.

21 (Defendant's Exhibit Paragraph 15 received in  
22 evidence)

23 Q. Okay. So, after Child 3 no longer required the services of  
24 a baby nurse you continued to be paid at the rate of \$1,200 for  
25 weekdays and \$1,800 for weekends, correct?

NAOAAFOS2

Foster - Cross

1 A. Yes.

2 Q. And then Child 4 was born on September ■, 2019; is that  
3 correct?

4 A. Yes.

5 Q. And at that point in time you received an increase in pay  
6 to \$1,300 a day, right?

7 A. Yes.

8 Q. And you received \$1,950 for weekend work at that point in  
9 time, right?

10 A. Yes.

11 Q. And is it fair to say that by February 2020, Child 4 no longer  
12 required the services of a baby nurse?

13 A. Yes.

14 Q. Okay. So then from February 2020 until the time of your  
15 termination in August of 2020, you are a nanny for the four  
16 children, correct; is that a fair characterization?

17 A. Yes. But may I say something?

18 Q. And your pay rate remains the same up until June of 2020  
19 when have you this conversation with Mr. Snow; is that correct?

20 A. Yes. But can I say something?

21 THE COURT: No, no you can't. You can answer his  
22 question and then your lawyer gets a chance to ask some more  
23 questions. So you'll probably get to say something then. Same  
24 thing I said to Ms. Dula yesterday.

25 THE WITNESS: Okay. Answer the question.

NAOAAFOS2

Foster - Cross

1 THE COURT: If you answer his question and don't do  
2 anything else, it'll all go faster.

3 THE WITNESS: Okay.

4 Q. Would Mr. Snow pay you by check?

5 A. Yes.

6 Q. So as I recall, for a certain period, you were working  
7 every other week, correct?

8 A. Yes.

9 Q. After his wife came on, right?

10 A. Yes.

11 Q. Then at some point in 2020 during the pandemic you had  
12 two-week shifts and you were paid every two weeks, right?

13 A. Yes.

14 Q. Okay. And to get a pay check from Mr. Snow you would  
15 typically text him and tell him how many hours you had worked,  
16 how many days you had worked and whatever expenses you believed  
17 should be reimbursed; is that fair to say?

18 A. Yes.

19 Q. Mr. Snow would get a text and he would write you a check,  
20 right?

21 A. Yes.

22 Q. You would take that check and deposit into your bank  
23 account, right?

24 A. Yes.

25 Q. And the expenses that Mr. Snow would reimburse would



NAOAAFOS2

Foster - Cross

1 include the food that you personally consumed while you were  
2 performing your childcare services in his home; is that fair  
3 too say?

4 A. Yes.

5 Q. It would also include all of your transportation to and  
6 from your home that's in the Bronx, right?

7 A. The only transportation he covers was for a jitney and the  
8 Uber to their mansion.

9 Q. Okay. So when they were in the Hamptons first then in East  
10 Hampton, you would take a jitney to East Hampton?

11 A. Yes.

12 Q. And that would be paid for my Mr. Snow, right?

13 A. Yes.

14 Q. And any -- back and forth to the jitney would be paid for  
15 by Mr. Snow, right?

16 A. Yes.

17 Q. Then later on when you were at the mansion during the  
18 pandemic, Mr. Snow had a driver, right?

19 A. Yes.

20 Q. Do you recall his name?

21 A. Ako.

22 Q. What race was Ako; do you recall?

23 A. He was African.

24 Q. So he was Black?

25 A. Yes.

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Foster - Cross

1 Q. Okay. Did you know that he had been, that he was  
2 Mr. Snow's personal driver and had been for some time?

3 A. Yes.

4 Q. So Ako would take you door-to-door from your home to  
5 Bridgehampton during that period, right?

6 A. Yes.

7 Q. You didn't pay for any of that, right?

8 A. No.

9 MR. RISO: Put up DX 24 please.

10 (Pause)

11 MR. RISO: I am showing you DX 24. Higher on the  
12 screen.

13 Q. The green box, that's your message, right?

14 A. Yes.

15 Q. So that would be an example of you calculating your pay  
16 that you are due for the shift that you had just worked,  
17 texting it to Mr. Snow so that Mr. Snow could write you a check  
18 for that amount, right?

19 A. Yes.

20 Q. This one that we're looking at, you are asking for seven  
21 days, plus two days at time and a half, you're putting in food,  
22 Ubers, jitneys, and days for the Venette, which I think is  
23 Child 4, and you are something for a total of \$11,882, right?

24 A. Yes.

25 Q. Mr. Snow wrote you that check, right?



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Foster - Cross

1 A. Yes.

2 Q. Whatever amount you texted Mr. Snow, whatever amount you  
3 said you worked, whatever expenses you said you incurred, he  
4 wrote you the check, right?

5 A. Yes.

6 MR. RISO: You can take that down.

7 (Pause)

8 Q. Do you recall I think you testified a little bit on direct  
9 that there was a point in time in October of 2019 when Mr. Snow  
10 came to you to let you know that he thought he was paying more  
11 than two times than he had ever paid and that at some point in  
12 time your rate had to be adjusted; do you recall that?

13 A. I got a text message from Mr. Snow.

14 Q. Okay. That was about the time Child 4 was born, right?

15 A. Yes.

16 Q. And that was in connection with your getting a boost in pay  
17 of \$100 for day the weekday and another 150 for the weekend  
18 days, correct?

19 A. Yeah. The time and a half for Saturday and Sunday.

20 Q. Mr. Snow was letting you know this is going to be temporary  
21 while Child 4 still needed a babysitter?

22 A. Yes.

23 Q. We talked a few minutes ago that is that rate continued into  
24 2020 even though Child 4 had long been out of the baby nurse  
25 stage; you agree with that, don't you?

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Foster - Cross

1 A. Yes, but --

2 Q. Even after you claim that Ms. Wright told you that sometime  
3 in January Elyse Dula had made that nasty comment to her and  
4 even though you claimed that in May 2020 Mr. Dula had made  
5 another nasty comment that you overheard, you continued to be  
6 paid at the existing rate that we just went over, correct?

7 A. Yes.

8 MR. RISO: Put back up DX 24.

9 (Pause)

10 Q. You see the top blue box? That's Mr. Snow texting you  
11 about a change of the rate that's coming your way at some point  
12 down the road, right?

13 A. Yes.

14 Q. And he's telling you "The struggle I am having is I already  
15 paid you two times more than I have ever paid previously to a  
16 baby nurse, right? Do you see that?

17 A. I see that.

18 Q. Okay. Then he agrees to give you the extra amount for  
19 Venette, right?

20 A. Yes.

21 Q. Then he reminds you about your significant increase in pay  
22 when Child 3 was born, right?

23 A. He did -- Mr. Snow and I did not have a conversation when  
24 Child 3 was born, of the increase. We did not have any  
25 conversation. Mr. Snow was the one who gave the raise but it



NAOAAFOS2

Foster - Cross

1 we didn't have a conversation about it.

2 Q. I appreciate that. In this text Mr. Snow says to you he  
3 increased your pay significantly when Child 3 was born during  
4 the period you were taking care of him through the night, right?

5 A. Yes.

6 Q. And that he never reduced it when he got over it, right?A.  
7 Yes.

8 Q. You agree with it cause we just went over it, right?That's  
9 all true, right?

10 A. Yes.

11 Q. Then he says, let me know what you think, right? That's  
12 how he ends his text.

13 A. Yes.

14 Q. So he wanted your input into this, right?

15 A. Yes.

16 Q. He wanted to know how you wanted in terms of compensation  
17 as to whether or not an arrangement could be worked out or not  
18 that could permit you to stay or not, correct?

19 A. Correct.

20 Q. In response you then just text him and say you owe me close  
21 to twelve thousand dollars. Am I reading these messages  
22 correctly?

23 A. I don't see it where it says you owe me.

24 Q. Well, the next message he texted you at 4:46 on October  
25

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Foster - Cross

1 28th. You respond at 5:19 on October 28. You total up what  
2 you are owed and you come to \$11,882, right?

3 A. But I was still getting the same salary and I worked for  
4 the seven days.

5 Q. That's all fine. But you don't respond to Mr. Snow's  
6 overture, "Let me what do you think", do you?

7 A. Because I was coming to work —

8 THE COURT: No, no. I'm sorry, ma'am. Just answer  
9 his question. It's a yes or no question.

10 Did get back to Mr. Snow and tell him what you  
11 thought?

12 THE WITNESS: I did not respond to Mr. Snow.

13 THE COURT: You did not respond to Mr. Snow. So the  
14 answer is "no".

15 Next question.

16 MR. RISO: Take that down, please.

17 Q. By the way, did you share with Ms. Wright the text message  
18 that you received from Mr. Snow that we just looked at whether  
19 he is expressing his concern about what he is saying to you?

20 A. I don't remember if I shared the message with Ms. Wright.

21 Q. You discuss in sum or substance the substance of what  
22 Mr. Snow had said to you in that text?

23 A. We talked about our salary, yes, we.

24 Q. You let her know that Mr. Snow was concerned about how much  
25 he was spending and that after Child 4 is no longer in the baby

NAOAAFOS2

Foster - Cross

1 nurse stage we may be getting a cut in pay. You had that  
2 discussion with Ms. Wright; did you not?

3 A. I don't remember what conversation me and Ms. Wright have  
4 but I know there were is some point in time when we speak about  
5 our pay.

6 Q. Right. And in that context you are speaking about your pay  
7 which you also say, hey, we have a boss who thinks he is paying  
8 more than twice as much as he should be paying --

9 A. I don't remember having that conversation with Ms. Wright  
10 like that. I can't recall.

11 THE COURT: Okay. Let's move on.

12 Q. Do you recall how much in total you made in compensation  
13 from Mr. Snow during the three-year period that you worked?

14 A. If I recall -- could you repeat it please.

15 Q. Sure. You have an idea as you sit here today as to how  
16 much you were paid by Mr. Snow for the three years that you  
17 worked?

18 A. If I have an idea?

19 Q. Yeah.

20 A. No, I don't.

21 Q. Would it be fair to say that over the three-year period you  
22 received compensation checks from Mr. Snow exceeding \$750,000;  
23 is that a fair statement?

24 A. I never sit and calculate all the money. I can't answer  
25 that question because I never assumed --



NAOAAFOS2

Foster - Cross

1 THE COURT: So you don't know.

2 A. No, I don't know.

3 MR. RISO: I'd like to mark the next Exhibit DX 46.

4 (Pause)

5 MR. RISO: This is for identification.

6 Q. Ms. Foster, are you aware that in this case the parties  
7 produced the actual checks that Mr. Snow wrote to you and that  
8 you deposited into your bank account during the period that you  
9 performed services for him?

10 A. Yes.

11 MR. RISO: I would like to show you those checks.

12 THE COURT: No. You would like to show Defendant's  
13 Exhibit 46 for identification and ask her if she can identify  
14 what that is. That is what you would like to do.

15 THE WITNESS: Yes. These are the checks. And I was  
16 the one who produced these.

17 MR. RISO: I would like to move this into evidence.

18 THE COURT: You would like to offer it into evidence.

19 MR. RISO: I'm sorry. I would like to offer,  
20 absolutely. I think this is 47.

21 THE COURT: Forty-seven, any objection?

22 MR. RISO: So we'll add it up.

23 MR. LUCAS: No objection.

24 THE COURT: There's no objection. They're admitted.

25 (Defendant's Exhibit DX47 received in evidence)

NAOAAFOS2

Foster - Cross

1 THE COURT: Ladies and gentlemen, you can add them up  
2 or somebody will undoubtedly add them up for you before we get  
3 done with this.

4 Q. Ms. Foster, did you report on your income tax returns the  
5 amount of compensation that you were paid by Mr. Snow and  
6 Ms. Dula during the years you worked for them?

7 A. No, I did not.

8 Q. So is it fair to say that you paid no income taxes to any  
9 governmental taxing authority on any of the income that was  
10 paid to you by Mr. Snow?

11 A. No. At the time I did not, but I did --

12 THE COURT: No, no. Remember. Just answer his  
13 question.

14 THE WITNESS: Okay.

15 Q. Do you recall yesterday in response to your attorney's  
16 question when he asked you whether or not you had spent any  
17 time with Mr. Snow and Ms. Dula for any holidays; do you recall  
18 that?

19 A. He asked me if -- I don't remember what he said. There was  
20 a lot of questions but I don't remember.

21 Q. Okay.

22 A. If I was served or I don't remember.

23 Q. All right. I'd like to refer you to yesterday's testimony.  
24 Mr. Lucas asked you, prior to the time Ms. Wright told you that  
25 Elyse Dula referred to you or her or both as "black bitches",

NAOAAFOS2

Foster - Cross

1 had there been occasions when you interacted with Mr. Snow and  
2 Ms. Dula say, at dinnertime?

3 "A. If I said it to Mr. Snow and Ms. Dula at any time?

4 Then the Court interjects "dinnertime". Then you  
5 respond "no". Then Mr. Lucas says asks you.

6 "Q. What about on holidays, anything like that? And you  
7 answered "no".

8 Do you recall that?

9 A. Yes. But the question that he said if it was after with  
10 Ms. Wright, I did not have any dinner or holidays with the  
11 defendant.

12 Q. So when Mr. Lucas asked you prior to the time when  
13 Ms. Wright told you that Ms. Dula referred to you as "black  
14 bitches", you thought his question was asking you after the  
15 time?

16 A. So what I get from what Mr. Snow, Mr. Lucas was asking  
17 during the time when Ms. Dula called Ms. Wright a black bitch  
18 if we had like any dinner or holidays together. That's what I  
19 gathered from the question. So that's why I said no.

20 Q. All right. His question very clearly was prior to the time  
21 but you are saying -- So let me ask you this, prior, you did in  
22 fact have holidays with Ms. Dula and Mr. Snow and the family,  
23 right?

24 A. Yeah, before the incident happened.

25 Q. So you didn't mean to give the impression to the jury that

NAOAAFOS2

Foster - Cross

1 you didn't spend any holidays with them, right?

2 A. We did spend -- I did spend one Thanksgiving, two  
3 Thanksgiving prior early on in my role of employment with the  
4 defendants but after when the slurs, the racial comments came  
5 up, I did not have any holidays or dinner with them.

6 Q. Before you spent you said two Thanksgivings?

7 A. Yes.

8 Q. You also spent Christmas, right?

9 A. Yes.

10 Q. And I believe there was a birthday party for Child 3; do  
11 you recall that?

12 A. I don't remember if I was the -- no. I wasn't the one that  
13 spent the birthday party with Child 3. I think it was  
14 Ms. Wright.

15 Q. What about Easter; do you recall Easter?

16 A. Yes.

17 MR. RISO: Your Honor, I would like to put up in  
18 evidence DX 33.

19 MR. LUCAS: No objection, your Honor.

20 THE COURT: Admitted. It's actually already admitted.

21 MR. RISO: I would like to quickly go through a few  
22 pictures and the jury's looking at it also.

23 Q. That is you sitting on the couch in Mr. Snow and Ms. Dula's  
24 apartment, right?

25 A. Yes.



NAOAAFOS2

Foster - Cross

1 Q. That's Christmas morning?

2 A. Yes.

3 Q. And that's you and Ms. Dula kind of hunched around the  
4 children, right?

5 A. Yes.

6 Q. And presumably, they're opening up presents?

7 A. Yes.

8 Q. Okay. So we see the little baby. Who is the little baby  
9 in that picture?

10 A. I think that was Child 2.

11 Q. It's Child 2. How about the young toddler standing up in  
12 the red?

13 A. Child 1.

14 Q. Then the another child in white kind of looking at you, who  
15 is that?

16 A. I think that's Mr. Snow's other daughter.

17 Q. Okay. So that's from Mr. Snow's other relationship that he  
18 had prior to Ms. Dula, right?

19 A. Yes.

20 Q. Then that's Ms. Dula as well, right?

21 A. Yes.

22 MR. RISO: Okay. Could we go to the next picture.

23 (Pause)

24 Q. Again, the same crowd, right?

25 A. Yes.



NAOAAFOS2

Foster - Cross

1 MR. RISO: Next one.

2 Q. So these are all Christmas.

3 MR. RISO: You can keep going through.

4 Q. Okay. Now this is a dinner table, right?

5 A. Yes.

6 Q. Is this the New York City apartment?

7 A. No. That looks like it's in California.

8 Q. So this is California, okay. Is that Elyse Dula standing  
9 up with the apron?

10 A. Yes.

11 Q. She cooked all that food that's on the table, right?

12 A. Yeah, with the help of her mom and her sister.

13 Q. And the woman next to Ms. Dula, that's her sister, Megan?

14 A. Yes.

15 Q. Then we see the two little boys, Child 1 and Child 2, at the  
16 table?

17 A. Yes. Actually, hold on a second. This picture with,  
18 looking at the table, I'm not sure if this is the California  
19 apartment or it's the Hamptons. If that's the Hamptons, then  
20 that would be Ms. Wright. It would not be me.

21 MR. RISO: Okay. So let's go to the next one. Maybe  
22 we can clear it up.

23 Q. So, that's Ms. Wright?

24 A. Yeah. So, that was Ms. Wright. That wasn't me.

25 Q. So this is Ms. Wright having this celebratory holiday

NAOAAFOS2

Foster - Cross

1 dinner at the dinner table that Elyse had cooked, right, as far  
2 as the picture shows?

3 A. As far as the picture shows because I wasn't there.

4 MR. RISO: Next picture please.

5 (Pause)

6 MR. RISO: Next one.

7 (Pause)

8 MR. RISO: Next one.

9 (Paue)

10 MR. RISO: Next one.

11 (Pause)

12 MR. RISO: I am just skipping because it's a lot of  
13 the same event.

14 Next one.

15 (Pause)

16 MR. RISO: Next one.

17 (Pause)

18 Q. Okay. Now do you see that one you are in the background,  
19 right? That is you standing in the back in the corner?

20 A. Yes.

21 Q. And this is the Hamptons again, East Hamptons?

22 A. Yes.

23 Q. Now we have three little ones at the table?

24 A. Yes.

25 Q. Can you tell the jury who the three little ones are?

NAOAAFOS2

Foster - Cross

1 A. That's Child 1, Child 2 and Child 3.

2 Q. And who is standing up with the little kids?

3 A. That's Ms. Dula's sister, Megan.

4 Q. That's Megan again?

5 A. Yes.

6 Q. And in the back, all the way behind the sink, who is behind  
7 the sink?

8 A. Ms. Dula.

9 MR. RISO: All right. You can take that down.

10 I want to talk about the time that the family was  
11 moving from one property in the Hamptons to another property in  
12 the Hamptons, which you told us about through Mr. Lucas.

13 Q. This would have been around May of 2020?

14 A. Yes.

15 Q. Do you recall that this was during the pandemic?

16 A. Yes.

17 Q. So was the "lockdown", right?

18 A. Yes.

19 Q. People weren't going any where, generally?

20 A. Yes.

21 Q. And Mr. Snow who used to work outside the home is now  
22 working inside the home?

23 A. Yeah. He was working. I think he have a office in the  
24 home that he was using.

25 Q. So he's home everyday, right?

NAOAAFOS2

Foster - Cross

1 A. If I see him but if -- I would say he would be home, but  
2 it's not all the time I see him. So I can't say that he's home  
3 everyday.

4 Q. I guess the distinction I'm making, before the lockdown  
5 Mr. Snow would leave the home and go to work and come home  
6 later, right?

7 A. I don't know. Sometimes I see him. Sometimes I don't. So  
8 I just cannot answer that question and say yes because it's  
9 just when I see Mr. Snow.

10 Q. Is it fair to say they weren't doing the amount of  
11 traveling that he had been doing prior to the lockdown?

12 A. No, they weren't. I know Mr. -- so what used to happen is  
13 that Mr. Snow and Ms. Dula would go to from the Hamptons to the  
14 New York apartment. Sometimes they would go Monday morning.  
15 Sometimes they will go Sunday night and then they will come  
16 back on the weekend or before the weekend, both Ms. Dula and  
17 Mr. Snow.

18 Q. Okay.

19 A. They would drive in together.

20 Q. You would stay in the Hamptons?

21 A. Yes.

22 Q. During your two-week shift?

23 A. Yes.

24 Q. Okay. Do you recall that the family was moving from one  
25 Hampton home to another because they lost their rental lease on



NAOAAFOS2

Foster - Cross

1 the East Hampton property because the owner was selling that  
2 home?

3 A. I don't know for what reason it was but I know that we were  
4 moving -- they were looking --

5 THE COURT: Okay. Next question.

6 Q. And that the new home that you were moving into was a  
7 rental home that he was able to secure during the pandemic for  
8 his family to stay out in the Hamptons during the lockdown; do  
9 you recall that?

10 A. I know we were moving into another home. That is all I  
11 know.

12 Q. By May of 2020, what members of the household including  
13 staff were involved in the move to the new rental home in  
14 Bridgehampton?

15 A. So we used to do, Ms. Wright and I used to do two weeks  
16 on/two weeks off. When it was my time to get two weeks off  
17 Ms. Dula had asked me, I was supposed to go home for two weeks  
18 but she had asked me if I could just go home for one week, just  
19 to come home to help them with the moving. I was supposed to  
20 be two weeks but I did only one week off.

21 Q. Okay. So you are involved in the move, right?

22 A. Yes. I helped them to do the packing and everything.

23 Q. And Ian Snow is involved in the move, right?

24 A. Just once Mr. Snow helped.

25 Q. Okay. And Elyse Dula is involved in the move, right?

NAOAAFOS2

Foster - Cross

1 A. Yes.

2 Q. And her sister Kaitlyn Paul is involved in the move, right?

3 A. I don't know that Kaitlyn is Ms. Dula's sister but she  
4 helps.

5 Q. Okay. And Kaitlyn was living with the family at that point  
6 in time that they were moving to the new home in Bridgehampton,  
7 right?

8 A. Yes.

9 Q. Whatever period Megan was helping out, that had occurred  
10 before Kaitlyn came along, right?

11 A. Yes. With the kids.

12 Q. When Megan was helping Elyse with the children in East  
13 Hampton --

14 A. I wouldn't say Megan was really helping out. She would  
15 come there for maybe a weekend or maybe a day and, yes, she  
16 would help.

17 Q. Okay. So was there also the housekeeper, Marleny  
18 Rodriguez --

19 A. So, Marleny would come like maybe a day or she would come  
20 like on a Sunday to help.

21 Q. Okay. Do you recall her helping with the move?

22 A. Yeah, she will -- I don't say she was helping to move but  
23 she came to, cause she was working for them on the weekend,  
24 like do the cleaning.

25 Q. So she was present?

NAOAAFOS2

Foster - Cross

1 A. Yeah, she was there. Not all the time but --

2 Q. Can you think of anyone else who was there other than the  
3 names I just listed?

4 A. There was a housekeeper that worked during the week which  
5 was Tanya.

6 Q. Okay. Anyone else?

7 A. Mr. Snow. No. So, it was, who I remember was me, Elyse.  
8 The housekeeper was there. Megan maybe come one day and  
9 Mr. Snow and myself. I don't remember if there was someone  
10 else there, and actually, and the cats.

11 Q. Do you recall during this period whether or not there was a  
12 construction project at the Bridgehampton home in process to  
13 relocate your living quarters to another part of the property?

14 A. No, I don't recall. I don't know if there was.

15 Q. There was nothing like that going on. Do you agree with  
16 that?

17 A. I don't know.

18 Q. Do you recall any construction project going on while he  
19 was moving into the rental?

20 A. No, I don't remember.

21 Q. Okay. And you testified that during this move at some  
22 point you overheard Elyse Dula speaking to somebody, right?

23 A. Yes.

24 Q. And by the way, was Ms. Dula in the main house the time you  
25 say you overheard her?

NAOAAFOS2

Foster - Cross

1 A. So.

2 Q. Was she in the main house at the time you overheard her?

3 A. No. I think she was in the washroom.

4 Q. Where is the washroom? Is that part of the main house?

5 A. It was in the mansion house.

6 Q. Okay. And I thought you told us you had never been in the  
7 mansion?

8 A. No, because if the door, if the door opened then you can  
9 see that there's a washroom. I don't go in there. But the way  
10 how the house is set up, then you can see if the door is open.

11 Q. Okay. So you were in part of the house that you were  
12 saying is not part of the mansion but was connected by an open  
13 door?

14 A. It's the way, it's kind of complicated to explain how it,  
15 how the mansion was set up cause you have a door to come in  
16 where you go upstairs to the mansion. Then you have another  
17 door to the right where you go into the mansion. Also, there  
18 is a window right there. It's a huge window that you can see.  
19 So.

20 Q. Okay. So, where is the washroom? It's in the main house,  
21 right?

22 A. Yes. And how I really know that there's a washroom, like  
23 if we go outside to play with the kids and if Marleny is there  
24 and she heard us coming in, she would come and said oh, I'm  
25 doing laundry and that's how I really know that there's a



NAOAAFOS2

Foster - Cross

1 washroom right there.

2 Q. Okay. Oh, so you are telling this jury you've never  
3 actually seen this washroom. You just know of it because  
4 Marleny said she does the wash?

5 A. I don't remember if I ever seen the washroom.

6 Q. If you don't recall ever seeing the washroom, you don't see  
7 Ms. Dula at the time you claim to have overheard her, right?

8 A. Ms. Dula was --

9 Q. Answer the question, please.

10 A. I never see Ms. Dula but I could hear her talking.

11 THE COURT: She heard her. Didn't see her. We call  
12 that overhearing. Now let's move on please.

13 Q. Were you able to make out the person she was speaking to?

14 A. I know it was -- So, I know it was not Mr. Snow because she  
15 was talking to a woman but it was not Mr. Snow.

16 Q. Was she talking to her sister, Kaitlyn?

17 A. I don't know if it was Kaitlyn or Marleny, cause Marleny  
18 was there.

19 Q. Okay. How far away are you from Ms. Dula when you overhear  
20 her saying --

21 A. I would say around eight feet.

22 Q. And through how many doorways do you have to walk through  
23 from where you are to get into the washroom to where you say  
24 Ms. Dula was at the time you overheard the statement?

25 A. So there was -- I was -- okay. So the way how it's set up,

NAOAAFOS2

Foster - Cross

1 that door is to the mansion and you have the, down by the  
2 stairs to go upstairs where the mansion is. So down at the  
3 bottom stairs I went down because all the stuff was packed  
4 there. So the diapers and everything would be closer to the  
5 door to go to where with the entrance is to the mansion.  
6 Ms. Dula was talking very loud. So I could hear everything  
7 that she was saying.

8 Q. I thought you said you only heard her say "dirty  
9 Jamaicans". What else did you hear her say?

10 A. I'm saying I could hear her talking.

11 Q. You could hear what you overheard; is that what you are  
12 telling us?

13 A. I hear her when she said "I'm happy to get those dirty  
14 Jamaicans out of my house".

15 Q. Did you hear her in any other part of the conversation she  
16 was talking about at the time?

17 A. No. I only heard her say, the only thing I heard when "I'm  
18 happy to get these dirty Jamaicans out of my house" and then I  
19 took what I was taking up --

20 Q. Okay. But you didn't hear what anyone else said to her?

21 A. I only hear when she said "I'm happy to get those dirty  
22 Jamaicans out of my house". That's what I heard she say.

23 Q. You are aware that your attorney filed a complaint in this  
24 case, right?

25 A. Yes.

NAOAAFOS2

Foster - Cross

1 Q. And you have an understanding that the complaint that you  
2 filed with the Court is your opportunity to set forth your  
3 allegations of fact that you were saying make up your claim;  
4 you understand that, right?

5 A. What I tell my attorney, that's what he used to.

6 Q. So, if you -- you would have been the source of the  
7 information to your attorney about the circumstances of you  
8 having heard that "dirty Jamaicans" conversation?

9 A. Yes. I heard Ms. Dula say that.

10 Q. Is it fair to say you read the complaint?

11 A. I read some of it. I did not read all of it.

12 Q. Did you read the parts of the complaint that had the facts  
13 in it that contain your personal observations of what you say  
14 happened based on your knowledge?

15 A. I don't understand your question.

16 Q. Well, you gave Mr. Lucas information about what you saw and  
17 heard, right?

18 A. Yes. I tell him I hear when we moved I hear Elyse said  
19 that she's happy to get these dirty Jamaicans out of her house.

20 Q. Did you read that part of the complaint that Mr. Lucas  
21 prepared?

22 A. No. I read some of the complaint. I did not recall if I  
23 read that part of the complaint.

24 Q. All right. Mr. Lucas as your attorney was authorized to  
25 construct those allegations put in the complain and file it

NAOAAFOS2

Foster - Cross

1 with the Court on your behalf; is that fair to say?

2 A. Yes.

3 MR. RISO: I'd like to show what's in evidence as DX  
4 5.

5 Go to the first page, please.

6 Q. This is your complaint in this case, right?

7 A. Yes.

8 Q. It says that you plaintiff, Cordia Foster and Cislyn  
9 Wright, by undersigned attorneys, allege as follows for their  
10 complaint against defendants Elyse Dula and Ian K. Snow, right?

11 A. Yes.

12 Q. If you go to the top you see the banner that this document  
13 was filed as a public document with the court of law, this  
14 court, on December 31, 2021. Do you agree?

15 A. Yes, I see the dates.

16 MR. RISO: Could you go to page 23.

17 (Pause)

18 Q. And do you see at the bottom it's being signed by Scott A.  
19 Lucas?

20 A. Yes.

21 Q. He is your attorney, right?

22 A. Yes.

23 MR. RISO: Go to page 12.

24 (Pause)

25 Q. Take a look at what your complaint says about this



NAOAAFOS2

Foster - Cross

1 incident. Paragraph 47 you say that during the week of May  
2 17th of 24, 2020 the defendants were nearing completion of a  
3 construction project to relocate the servants' quarters in  
4 their Hamptons home from the main house to a separate  
5 unconnected dwelling.

6 Did I read that accurately?

7 A. Yes. But I think --

8 Q. Let me ask the questions, please. Isn't it true that there  
9 was no construction project to relocate the servants' quarters  
10 occurring at that home at that time?

11 A. I'm not sure what was going on because I think --

12 THE COURT: It's 'yes', 'no' or 'I don't know'.

13 A. I don't know.

14 Q. Well, isn't it true that there was not separate and  
15 connected dwelling?

16 A. The house was, the maid quarters that we were in was  
17 connected to the house.

18 Q. Okay. So when I asked you before whether there was a  
19 construction project going on you had indicated to me that to  
20 your knowledge that there wasn't, correct?

21 A. Yeah. I don't know of any construction that was going on.  
22 If construction was going on I don't.

23 Q. You do you agree with, Ms. Foster, that there certainly  
24 would not have been a construction project specifically to  
25 relocate the servants' quarters to a separate unconnected

NAOAAFOS2

Foster - Cross

1 dwelling.

2 Do you agree with that?

3 A. So the mansion -- I don't understand.

4 Q. Yes or no, if you can please?

5 A. There wasn't -- the house, the mansion and the quarters was  
6 joined but it was like separate entrance.

7 Q. Okay. So this statement is not true in Paragraph 57; do  
8 you agree?

9 A. I can't say if it was true or it's not true.

10 Q. You can't say that there was no separate unconnected  
11 dwelling?

12 A. I know that -- I can't.

13 MR. RISO: Can you put a picture of house please.

14 (Pause)

15 MR. RISO: Putting up Plaintiff's Exhibit 12.

16 (Pause)

17 Q. This is your exhibit, Ms. Foster. This is the home that  
18 you're moving into in May of 2020 right?

19 A. Yes.

20 Q. Do you see that the helm is basically shaped like an "L"?

21 A. Yes. I could see the house but I'm not, like I can't read.  
22 Like --

23 Q. It's all connected, right? Well you know it is. You lived  
24 there all summer?

25 A. Yeah.

NAOAAFOS2

Foster - Cross

1 Q. Don't be shy. That's a connected house, right?

2 A. There are separate parts. Yes, I could see.

3 THE COURT: Okay. The issue isn't are there separate  
4 parts or I don't know, wings or whatever you call it, one  
5 building or is it like two separate buildings?

6 THE WITNESS: It's one building.

7 THE COURT: All right. That is all we need to know.

8 Q. Then you are, where you were staying I think you called the  
9 maids' quarters?

10 A. Yes.

11 Q. It was referred to as kids' quarters; do you recall that?

12 A. That's what Ms. Dula called it, so.

13 Q. So was there a connecting, interior connect from the little  
14 part of the "L" into the main part of the "L" you could walk  
15 through, right?

16 A. So there are doors you could go through. There's a door  
17 down at the bottom of the step. There's a door to the right  
18 that leads you, I think, to the mansion. And there is a door  
19 upstairs. When you go up to the staircase I think there is a  
20 door to, leading to the mansion because most of the time that's  
21 where Ms. Dula walked to come in but that door is closed. We  
22 cannot open that door. Also, with the entrance down at the  
23 bottom of the stairs that door is also closed. So --

24 Q. All right. You could take this down. Isn't it fair to say  
25 that the door that connected the two hallways of the structure,

NAOAAFOS2

Foster - Cross

1 that door was always opened. The boys always ran back and  
2 forth into the main house?

3 A. No, that's not true.

4 Q. So I want to go back to Defendant's Exhibit Five which is  
5 the complaint that you filed, and look back at Paragraph 57.

6 So you now agree having looked at the picture, there  
7 is no separate unconnected dwelling, right?

8 A. Yes.

9 Q. There could never have been a completion of a construction  
10 project to relocate your quarters?

11 A. When you said "construction", what do you mean?

12 Q. I get to ask the questions. These are your words,  
13 "construction project". I want to go to Paragraph 58 now. In  
14 Paragraph 58 you say:

15 "At or near the end of that week Foster overheard Dula  
16 speaking to someone else about the completion of that project."

17 You see those words?

18 A. Completion of that. I see this but --

19 (Continued on next page)

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NAO4FOS3

Foster - Cross

1 Q. But that's not true, is it? You're telling us that you  
2 couldn't understand or hear or overhear what anyone else was  
3 saying; right?

4 A. I hear Ms. Dula.

5 Q. That's not what I'm asking. This statement and this  
6 complaint, do you agree, was not true?

7 A. It is true.

8 Q. So you heard Ms. Dula speaking?

9 A. Ms. Dula talking to someone that I'm happy to get these  
10 dirty Jamaicans out of my house.

11 Q. Did you hear Ms. Dula speaking to someone else about the  
12 completion of that project?

13 A. I don't understand what project you are talking about.

14 Q. I don't either. Ms. Foster, it's your complaint.

15 A. I heard -- the only thing I know that I hear when she is  
16 saying that I'm happy to get these dirty Jamaicans out of my  
17 house. So I don't know if --

18 THE COURT: We exhausted this subject. Let's move on.

19 MR. RISO: We could take that down.

20 Q. Isn't it true, that you're only telling us what you think  
21 you heard her say, but you can't actually tell us what she  
22 said?

23 A. I'm not thinking. I hear exactly what Ms. Dula said. That  
24 she's happy to get these dirty Jamaicans out of her house. I'm  
25 not thinking. I heard what Ms. Dula said.

NAO4FOS3

Foster - Cross

1 Q. Do you recall that I took your deposition in this case in  
2 June of 2022?

3 A. I didn't hear your question.

4 Q. I'm happy to repeat it. Do you recall that I took your  
5 deposition be under oath in June of 2022?

6 A. Yes.

7 Q. And do you recall saying something different at that  
8 deposition?

9 A. I don't recall.

10 Q. All right. I want to ask you whether you made the  
11 following statement to the following question, this is  
12 page 156.

13 "Q. Do you hear what anyone else is saying to her in response  
14 or that prompted that comment already part of that  
15 conversation?"

16 "Q. Counsel, I hear when Ms. Dula said, I'm happy to dirty  
17 Jamaicans out of my house. I cannot say that Ms. Dula said  
18 something."

19 Q. Do you recall making that statement?

20 A. I can't recall that.

21 THE COURT: Do you have anything you want to say?

22 MR. LUCAS: Yes. It's not the complete answer.

23 THE COURT: Read the complete answer, please.

24 MR. RISO: I'm setting it up with the next question.

25 BY MR. RISO:

NAO4FOS3

Foster - Cross

1 Q. And then you said, "I am saying what I heard what Ms. Dula  
2 said." Right?

3 A. Yes, because I heard what she says.

4 Q. Aren't you telling us that you cannot tell us what Ms. Dula  
5 said, but that's what you think you overheard. Is that what  
6 you are saying?

7 A. I'm telling you that I heard --

8 THE COURT: I understand her answer. He heard this  
9 enough. Let's move on. Don't argue with the witness.

10 Q. The black bitches incident, that's not something that you  
11 know about other than what Ms. Wright told you; right?

12 A. Yeah, Ms. Wright told me.

13 Q. And during your direct examination you never were asked to  
14 detail what you recall Ms. Wright saying to you at or about  
15 that time; right?

16 A. The conversation that Ms. Wright and I have, Ms. Wright had  
17 called me when the incident happened, and she told me what  
18 Ms. Dula had said.

19 Q. OK. And did you hear Ms. Wright tell you that she went to  
20 get a broom because Scotty was under the G-Wagon. Is that part  
21 of what Ms. Wright told you?

22 A. Ms. Wright didn't explain to me what had happened. She  
23 only told me the part when Ms. Dula said that we're black  
24 bitches. I don't recall, or I don't remember if we have any  
25 other conversations stating what the incident was and what took

NAO4FOS3

Foster - Cross

1 place when.

2 Q. So you're telling us today, that as you sit here,  
3 Ms. Wright did not tell you anything other than what she claims  
4 Ms. Dula said black bitches?

5 MR. LUCAS: Objection. Misstatements the testimony.

6 THE COURT: The objection is overruled. If it  
7 misstates the testimony, she will correct him. Don't worry.

8 A. I can't remember. I don't remember, and I can't recall  
9 what else we spoke about.

10 Q. Do you recall at the deposition that I took of you under  
11 oath, that I asked you about what Ms. Wright had said to you.  
12 Do you recall giving the following answer to the following  
13 question?

14 MR. LUCAS: Page?

15 Q. I've got to get the page, it's page 147.

16 "Q. Did she say to you where Ms. Dula was when she heard  
17 Ms. Dula make that statement?

18 "A. Yeah, she went inside, and she went to get a broom because  
19 Scotty was under the G-Wagon. And she get the broom to try to  
20 come to see if she could, like, let him to get out so he could  
21 run back inside, to the inside of the house. Then little Child  
22 1 said, Momma, Momma, Scotty is out under the G-Wagon. So  
23 Ms. Wright went back inside and Ms. Dula was there, and she  
24 said, those black bitches.

25 Q. Do you recall giving that testimony?

NAO4FOS3

Foster - Cross

1 A. I don't remember.

2 Q. You don't dispute you gave that testimony; correct?

3 A. I don't remember giving — because the —

4 THE COURT: No. Not because. She doesn't remember.  
5 She has no recollection of giving that testimony.

6 Q. So having now been confronted with what you told me in June  
7 of 2022, that I just read to you, isn't it true that you  
8 testified that Ms. Wright told you that the first thing that  
9 happened was that she went to get the broom after Scotty had  
10 already gotten under the G-Wagon?

11 A. I remember. I just, as I said, if Ms. Wright and I have  
12 other conversation, I don't remember. But I remember when she  
13 said that Ms. Dula called us black bitches.

14 Q. Do you remember Ms. Wright telling you what she told you, I  
15 guess back in January of 2020, that when she got to get the  
16 broom, she then went to get the cat out. And then Child 1  
17 said, momma, momma. Do you recall that?

18 A. I don't remember. I can't recall.

19 Q. Were you the source of the information about that incident  
20 that is pled in your complaint that was filed with this Court?

21 A. Can you rephrase the question. I don't understand what you  
22 just said.

23 Q. Sure.

24 So you are aware that in your complaint, we looked at  
25 a section of it before, that's filed with this Court, there is



NAO4FOS3

Foster - Cross

1 a portion of that complaint that talks about this January 2020  
2 incident that Ms. Wright claims happened with Ms. Dula; right?

3 A. Yes, I think it's in the report.

4 Q. It's in the complaint; right?

5 Are you the source of that information to your  
6 attorney about that incident?

7 A. No, it was Ms. Wright.

8 Q. So Ms. Wright --

9 A. Ms. Wright was the one who -- she was working when the  
10 incident happened. It wasn't me on duty that day.

11 Q. I'll ask Ms. Wright.

12 THE COURT: OK. We're going to have to take a real  
13 quick break because the witness needs to use the restroom. I  
14 was hoping we could get through ten more minutes. Anyone else  
15 need to use the restroom right this second? All right. Be  
16 quick.

17 (Recess)

18 THE COURT: OK. Ma'am, you are still under oath.

19 MR. RISO: Your Honor, I would like to put into  
20 evidence the question and answer of page 147 of Ms. Foster's  
21 deposition that I just read into the record.

22 THE COURT: It's in evidence.

23 (Defendant's Exhibit Page 147 received in evidence)

24 MR. RISO: Thank you. Can you put it up on the  
25 screen, please.

NAO4FOS3

Foster - Cross

1 Q. Ms. Foster, I'm showing you what I read to you a few  
2 moments ago. And that's the testimony you gave in this case;  
3 right?

4 THE COURT: Were you asked that question, ma'am? And  
5 did you give that answer?

6 THE WITNESS: It's there, but I don't recall.

7 THE COURT: OK. Move on, please.

8 MR. RISO: OK, take it down.

9 Q. I want to talk a little bit more about the pay cut. By  
10 June of 2020, am I correct that Mr. Snow and Ms. Dula had  
11 already brought in other people to play more active activities  
12 with the boys?

13 A. The only person that I know that was there, Ms. Kaitlyn  
14 would help, like sometimes she would come and take the boys.  
15 And we always have a sweeping structure for the boys.

16 Q. And you recall there was a young fellow by the name of  
17 Johnny?

18 A. Yeah, Johnny was there.

19 Q. And Johnny often stayed in the guest house; right?

20 A. I know Johnny was there, but I don't know if he stays in  
21 the guest house.

22 Q. And do you know they were paying Johnny to do activities  
23 with the boys in the afternoon?

24 A. I know he will come, like, maybe one day to take the boys  
25 out for a ride.

NAO4FOS3

Foster - Cross

1 Q. So by the time of the conversation you had with Mr. Snow in  
2 the middle of June 2020, Kaitlyn was already doing activities  
3 with the boys; right?

4 A. Yeah, sometimes Kaitlyn may come like a day. She would  
5 read them, like, a story.

6 Q. And Johnny was doing activities with the boys; right?

7 A. Johnny was mostly doing, like, work around the yard, but  
8 sometimes he will take the boys out for a bike ride.

9 Q. So the answer is yes; right? He did activities with the  
10 boys; right?

11 A. He would take them for a bike ride. I wouldn't say like a  
12 daily thing. But --

13 Q. And you mentioned swim lessons too; right?

14 A. No. They had their own swim instructor, not Johnny.

15 Q. I thank you for that correction. I didn't mean to infer  
16 that Johnny was the swim instructor. It was someone else who  
17 gave the swim lessons; right?

18 A. Yes. Before we moved to the mansion, Mr. Snow has  
19 arraigned swim lessons for the boys.

20 MR. RISO: PX-25.

21 Q. Do you recall on or about this period, say June 13, 2020,  
22 Mr. Snow sent you a text letting you know that he wanted to  
23 adjust your pay?

24 A. Yes.

25 Q. I'm showing you what's in evidence as DX-25. And this is a

NAO4FOS3

Foster - Cross

1 text message from Mr. Snow to you on June 13, 2020; correct?

2 A. Yes.

3 Q. And is this the text message you were referring to in your  
4 last answer?

5 A. Yes, this is the text from Mr. Snow.

6 Q. Mr. Snow says to you: As I know you've heard, I've spoken  
7 to Verona. We are no longer willing or able to pay you the  
8 salary you have been receiving. As we discussed when Child 4  
9 was born, this payment schedule was temporary and should have  
10 been addressed before. We are willing to continue paying you  
11 at the rate of \$500 per day. We have spoken to a number of  
12 people and know this is more than reasonable for a job being  
13 performed. If this is unacceptable, let me know, and we will  
14 make other arrangements. Thank you so much.

15 This text is really just a continuation of the text  
16 Mr. Snow sent you on October 28, 2019. Do you agree?

17 A. I should think so.

18 Q. OK. And in response, the next page, you voice your  
19 opinion; right? You're insulted. You think a 50 percent  
20 reduction is just too much; right?

21 A. Yes.

22 Q. So you're having your say on the issue of the pay rate.  
23 You're giving your opinion; right?

24 A. Yes.

25 Q. You're pushing back on your boss and saying, basically

NAO4FOS3

Foster - Cross

1 that's insulting. I'm worth more than that; right?

2 A. Well, I should say that we work around the clock, 24  
3 hours --

4 Q. I'm not asking you to justify your position. I'm saying  
5 you are letting your boss know that you don't think, in this  
6 text anyway, that that's appropriate; right?

7 A. Yeah, that's the text message --

8 Q. You have no problem speaking up to Mr. Snow, at least in  
9 this text. Do you agree?

10 A. Yes, I speak how --

11 THE COURT: OK.

12 Q. When Verona Wright tells you many months earlier that Elyse  
13 Dula had called you a black bitch, you never once raised that  
14 with Mr. Snow, did you?

15 A. I didn't say it to Mr. Snow because I was trying to protect  
16 my job, and I was trying to protect the kids. I didn't want to  
17 be fired.

18 Q. You didn't tell Mr. Snow anything about that; right?

19 A. No, I did not tell him.

20 Q. And you claim you overheard Ms. Dula in May 2020 make this  
21 dirty Jamaicans remark. You never complained to Mr. Snow;  
22 right?

23 A. I was still protecting my job. I didn't want to get fired,  
24 and I was still protecting the kids. Was I happy? No, but I  
25 was just protecting the kids, protecting my job.



NAO4FOS3

Foster - Cross

1 Q. Your boss's domestic partner called you a dirty Jamaican.  
2 You never raised that had with either one of them. Is that  
3 your testimony?

4 A. As I said, it hurt me so badly. But I was still protecting  
5 my job, and I was still protecting the kids.

6 Q. But it didn't hurt you enough to speak up, is that fair to  
7 say?

8 A. I was still protecting my job, and I was still protecting  
9 the kid.

10 Q. Isn't it true that you personally had never heard Elyse  
11 Dula ever say anything racially derogatory such as "black  
12 bitches" prior to the time Ms. Wright told you that she heard  
13 Ms. Dula say that?

14 A. Only the time when Ms. Wright told me when Ms. Dula said we  
15 a black bitches and when I heard her say we were dirty  
16 Jamaicans.

17 Q. And you dirty Jamaicans you had never heard with your own  
18 ears?

19 A. Yes, I did hear.

20 Q. Let me, please, finish the question. And I think when I am  
21 finished you will understand what I'm asking.

22 Isn't it true that you never, with your own ears, ever  
23 heard Ms. Dula utter a racially derogatory comment other than  
24 the time you claim that you overheard her say dirty Jamaicans?

25 A. No, that's the only time I heard when Ms. Dula said I'm a

NAO4FOS3

Foster - Cross

1 dirty Jamaican. So I heard --

2 THE COURT: OK. Next question.

3 Q. And isn't it true that you never heard Mr. Snow ever utter  
4 any racial or derogatory comment about you or about Ms. Wright?

5 A. I never heard Mr. Snow said any racial slur towards us.

6 Q. So when you pushed back on Mr. Snow in your text, and you  
7 tell him his suggestion to reduce your pay by 50 percent is  
8 insulting, Mr. Snow responds to you; right? He wants to share  
9 his reasoning with you; correct?

10 A. I wasn't pushing back at Mr. Snow. I just tell Mr. Snow  
11 how I feel.

12 Q. Okay. You told him it was insulting; right?

13 A. Yes, I think I did.

14 Q. And he responds and says there is a huge difference between  
15 a baby nurse wage and nanny wages. You don't work through the  
16 night as a nanny. If you don't want to continue on this basis,  
17 I understand. That was his response; right?

18 A. Yes. But we still work 24 hours even though Mr. Snow said  
19 that we did not work through the night. But if anything  
20 happened to any one of the kids, it's still 24/7, because we  
21 have to get up and we have to attend to those kids.

22 Q. And from their perspective, whether or not you believe you  
23 were working 24 hours, because if somebody woke up you had to  
24 be there. From their prospective, would you agree, they did  
25 not believe you were working 24 hours; right?

NAO4FOS3

Foster - Cross

1 A. I know I was working 24 --

2 THE COURT: No, ma'am. I'm so sorry. We are going to  
3 break for lunch right after this. That wasn't his question.

4 THE WITNESS: Can you repeat it.

5 THE COURT: His question was, did you have some  
6 understanding about what they believed?

7 THE WITNESS: Yeah, that's what they believed.

8 THE COURT: They believed that you were working 24  
9 hours or they believed you were not working 24 hours?

10 THE WITNESS: They believed we were not working 24  
11 hours.

12 THE COURT: OK. Let's break for lunch and be back  
13 here 1:30 on the dot. Don't discuss the case. Keep an open  
14 mind.

15 (Continued on next page)

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NAO4FOS3

Foster - Cross

1 (In open court; jury not present)

2 THE COURT: How much more do we have of this witness?

3 MR. RISO: Probably half hour or 45 minutes.

4 THE COURT: People, I'm going to start putting you on  
5 the clock. You told me this was a short trial. You told me  
6 this was going to be three or four days. And it's going to be  
7 three or four days. So you've got to move it.

8 MR. RISO: I have done an hour. That's it.

9 THE COURT: Yeah, but we are going to have redirect.

10 MR. LUCAS: Brief redirect, your Honor.

11 MR. RISO: I want them to hear the tape. That's  
12 really going to be most of the next question.

13 THE COURT: Good. Then figure out how to play the  
14 tape. But make sure over lunch we figure out how to play the  
15 tape.

16 MR. RISO: Yes, your Honor. Thank you.

17 (Lunch recess)

18 AFTERNOON SESSION

19 1:35 p.m.

20 (In open court; jury present)

21 THE COURT: Hi, I hope you all had a great lunch.  
22 Have a seat.

23 Word got back to me if somebody asked if you all could  
24 submit questions and the answer is no. I have to let the  
25 lawyers ask the questions. I know that can be frustrating

NAO4FOS3

Foster - Cross

1 because I'm sure there are things that come up in your mind  
2 that you would like to know the answer right then, but we try  
3 the cases on the basis the way the lawyers choose to present  
4 the evidence. Sorry about that.

5 OK. Now, you are still under oath, ma'am. Let's  
6 finish your testimony.

7 BY MR. RISO:

8 Q. Good afternoon, Ms. Foster.

9 A. Good afternoon.

10 Q. So I want to have us listen to the audio recording that you  
11 made of the conversation that you and Ms. Wright had with  
12 Mr. Snow on June 14, 2020. You made that recording; correct?

13 A. Yes.

14 Q. And am I correct that June 14, 2020, was a Sunday?

15 A. Yes.

16 Q. So that was a day where you and Ms. Wright would actually  
17 be together at the same time at the Bridgehampton home;  
18 correct?

19 A. Yes.

20 Q. Your shift was it was ending, and she was coming to start a  
21 new shift?

22 A. Yes.

23 Q. Did you plan at that time together to have a conversation  
24 with Mr. Snow about his June 13th text, about wanting to  
25 discuss a pay cut?



NAO4FOS3

Foster - Cross

1 A. Yes.

2 Q. And is it fair to say that Mr. Snow had no idea that you  
3 were recording that call at that time; right?

4 A. No.

5 Q. Well, you didn't tell him you were recording the call;  
6 right?

7 A. No.

8 Q. I just wanted to be clear.

9 THE COURT: It's clear. She said, no, she didn't tell  
10 him. Let's move on.

11 MR. RISO: Judge, I want to play the tape. May I hand  
12 out to the jury the transcripts that are marked as 44-A.

13 THE COURT: You may.

14 So, folks, while he is handing those out, let me  
15 explain to you that the actual evidence in the case is the  
16 tape.

17 Now, somebody has prepared, one of the parties has  
18 prepared a transcript of what's on the tape. And that's  
19 prepared as an aid to help you in case you have difficulty  
20 hearing something on the tape, but the transcript is not  
21 evidence. So if you hear something on the tape that you don't  
22 think is right, is correct in the transcript, it's the tape  
23 that is the evidence, not the transcript. So if, for example,  
24 you hear a word "not" on tape. I'm just taking it as an  
25 example. You hear "not" and there is no "not" in the

NAO4FOS3

Foster - Cross

1 transcript at the same place, it's what you hear that controls,  
2 not what you read. All right. Fine.

3 MR. RISO: Thank you, your Honor. Would your Honor  
4 like a transcript?

5 THE COURT: No, thank you.

6 MR. RISO: I'd like to hand one to the witness.

7 THE COURT: Of course.

8 MR. RISO: Thank you, your Honor.

9 THE WITNESS: Thank you.

10 MR. RISO: All right. We are now playing DX-44.

11 (Video playing)

12 THE COURT: Ms. Foster, it is it fair to say that  
13 during this conversation, one of the concerns that you and  
14 Ms. Wright had to Mr. Snow's advice to you that he wanted to  
15 cut the way pay was, well, can you give us sometime before you  
16 do that.

17 A. Yeah, because Ms. --

18 THE COURT: So the answer is yes.

19 Next.

20 Q. Is it fair to say I've listened after listening to the tape  
21 and what happened thereafter that Mr. Snow gave you time before  
22 he reduced the pay, isn't that true?

23 A. Yes, he gave me two weeks.

24 Q. And your two weeks would have ended after your next shift;  
25 right?

NAO4FOS3

Foster - Cross

1 A. Yes.

2 Q. So if this was June 14 you would have been back on June 28;  
3 correct?

4 A. Yes.

5 Q. So that two-week period would have started June 28 and  
6 would have continued 14 days thereafter, yes?

7 A. Yes.

8 Q. So I see in the tape that at one point you tell Mr. Snow  
9 that you want to have your say; right? You want to be heard?

10 A. Yeah, I tell him I just want him to understand the  
11 conversation or what we are trying to have.

12 Q. And he wants to hear what you have to say; right? You  
13 heard the tape.

14 A. Yes.

15 Q. And you and Verona Wright, at different parts of the tape,  
16 you criticize, in some way, Elyse for not letting know or being  
17 more involved with you; right?

18 A. I didn't hear what you said. Could you repeat, please.

19 Q. At one point in the tape you tell Mr. Snow that I wish  
20 Elyse was more involved and would tell us what she wants to do  
21 with the kids and words to that effect; right?

22 A. Yes.

23 Q. And at another point you vent some frustration to Mr. Snow  
24 about Elyse Dula's sister Megan Dula; right?

25 A. Yes.

NAO4FOS3

Foster - Cross

1 Q. And that Megan was trying to make the kids like her the  
2 best and you and Elyse less; right?

3 A. I didn't hear that on the tape.

4 Q. I withdraw that question.

5 We also heard Ms. Wright also commenting about Elyse's  
6 other sister Kaitlyn, and what she was doing; right?

7 A. Yes, that's on the tape.

8 Q. So you're very comfortable in this conversation giving your  
9 grievances to Mr. Snow about his domestic partner and about her  
10 sisters, is that fair to say?

11 A. I didn't hear what you said. Could you repeat, please.

12 Q. You are comfortable in your conversations with Mr. Snow to  
13 let him know what grievances you had about his domestic  
14 partner, Elyse Dula; right?

15 A. Yes.

16 Q. And you are comfortable in this conversation with Mr. Snow  
17 to let him know what issues you have with Megan Dula; right?

18 A. Yes.

19 Q. And also with Kaitlyn; correct?

20 A. Yes.

21 Q. Yet, it's your testimony that at any point in time you  
22 never raise with Mr. Snow your grievance that you overheard  
23 Ms. Dula call you a dirty Jamaican; is that correct?

24 A. Yeah, I never mentioned it to Mr. Snow.

25 Q. OK. And you never mentioned that, hey, I heard Ms. Wright

NAO4FOS3

Foster - Cross

1 tell me that Elyse Dula called us black bitches. You never  
2 mentioned that had either; right?

3 A. No, I did not.

4 Q. And you testified earlier that there was something about a  
5 camera in your bedroom in the Hamptons; right?

6 A. Yes.

7 Q. And that you believe that that camera was angled towards  
8 the bed you were sleeping in and not necessarily on the crib  
9 for Child 4; right?

10 A. Yes, it was directly onto our bed.

11 Q. So let me just back up a little bit with cameras in the  
12 baby nurse nanny's room. In your experience, is it common  
13 practice for a parent of a baby in a crib to have a camera  
14 focused on the crib?

15 A. Yes, it's always on the crib.

16 Q. And if you are sharing, as the baby nurse, that room with  
17 the crib, you know and understand that there is a camera in  
18 that room; right?

19 A. There is a camera in the room, but it's attached on the  
20 baby's crib, not above.

21 Q. But the fact of the camera in the room that you are  
22 sleeping in, is something that, as a baby nurse, it's part of  
23 your occupation; right?

24 A. Yes. It's in the room, but depends on where in the room  
25 the camera is.



NAO4FOS3

Foster - Cross

1 Q. You said in your testimony that the camera turns; right?

2 A. I did not say it turns. I said I'm not sure if it turns  
3 but the camera was directly on the bed where we were sleeping,  
4 not facing towards the baby's crib.

5 Q. So the camera was on the wall and you could see it; right?

6 A. Yes.

7 Q. And you could reach up to a height with your hand and  
8 adjust the angle of the camera with your hand, do you agree?

9 A. No.

10 Q. You disagree with that?

11 A. I could never take my hand and turn the camera, no.

12 Q. If you stood on a chair?

13 A. Because Ms. Dula had to climb on a ladder to put the camera  
14 up. So I could not just go stand and use my hand to turn the  
15 camera. I could not do that.

16 Q. Did you ever see the device that was receiving the image  
17 from the camera, whether that would be Ms. Dula's phone or  
18 whatever device actually on the receiving end?

19 A. No. Ms. Dula was the only one who could review that. I  
20 could not.

21 Q. You never actually saw the image that Ms. Dula could see  
22 that camera was picking up; right?

23 A. No.

24 Q. So we established before that you were comfortable with  
25 Mr. Snow in airing certain grievances. Yet, in this

NAO4FOS3

Foster - Cross

1 conversation on June 14, after you were already in  
2 Bridgehampton, you don't bring up with Mr. Snow or any time  
3 your grievance that there you believe there is a camera angled  
4 on your bed and not in the crib. Is that fair to say?

5 A. Yes, I was protecting my job.

6 THE COURT: You didn't bring it up with him.

7 THE WITNESS: No, I did not.

8 THE COURT: OK.

9 Q. So you chose to sleep on the floor on occasion rather than  
10 to say to Mr. Snow, hey, I think we need to adjust the camera  
11 angle. Is that your testimony?

12 A. Yes, because I know if I --

13 THE COURT: No, no. Yes, that's your testimony.

14 Q. Is it also fair to say after listening to the audio tape  
15 that you understood the reasons that Mr. Snow is giving you for  
16 the pay cut? At one point I think you say "that sounds fair."  
17 Do you recall that?

18 A. Yes.

19 Q. And you also express that quote, "we love you guys the  
20 same." Right, you say that?

21 A. I did. I said that.

22 Q. And when you say we love you guys the same, you are  
23 referring to Mr. Snow and Elyse Dula; right?

24 A. Yes.

25 Q. And would you agree with me that voicing those sentiments

NAO4FOS3

Foster - Cross

1 to Mr. Snow in June 14, 2020, is not consistent with your  
2 having overheard Ms. Dula call you a dirty Jamaicans just two  
3 weeks earlier?

4 A. I was -- can you repeat the question.

5 Q. Sure.

6 Would you agree with me that you were expressing to  
7 Mr. Snow on June 14, that you loved both him and Elyse Dula is  
8 not consistent with your having overheard Ms. Dula refer to you  
9 as a dirty Jamaicans just two weeks earlier?

10 A. I just said that to Mr. Snow, that I love him and Elyse  
11 both, that wasn't true. Because I already know that they have  
12 made up their mind, and I was just there to keep my job, so I  
13 just have to say what I have to say to him and to protect the  
14 kids.

15 Q. Mr. Snow in the audio we just listened to, on at least one  
16 or two occasions says he would understand if this is not  
17 acceptable and you wanted to get a new job. Do you recall  
18 that?

19 A. Yes, that's what he said.

20 Q. And did you understand that he was referring to your  
21 experience as a baby nurse and that you could get another baby  
22 nurse position?

23 A. Yes, but I --

24 Q. And that baby nurses work at a premium for the pay that's  
25 available to nannies, as a general rule, you understand that?

NAO4FOS3

Foster - Cross

1 A. Yes.

2 Q. Now, there is also some discussion on this tape that there  
3 is going to be a definition of your roles going forward; right?

4 A. Yes.

5 Q. And both you and Ms. Wright raise with Mr. Snow, we need to  
6 be defined what's going on forward; right?

7 A. Yes.

8 Q. And Mr. Snow says something to the effect that he envisions  
9 you will feed Child 4, and put the boys to bed, basically other  
10 people will play with the boys during the day. Is that the  
11 gist of it?

12 A. Yes, that's what Mr. Snow said. But that did not happen.

13 Q. So when you believed it didn't happen at any point after  
14 this tape, did you ever go to Mr. Snow and say, hey, we had a  
15 really constructive conversation on June 14. You were going to  
16 define our roles. You still haven't done it. Did you ever  
17 have that conversation with Mr. Snow?

18 A. No, I did not have that conversation with Mr. Snow.

19 Q. Did you ever have that conversation with Ms. Dula?

20 A. No, I don't see Ms. Dula.

21 Q. Well, isn't it true that shortly after this conversation  
22 you did, in fact, begin to look for a new job?

23 A. I was looking around because I know at that point Mr. Snow  
24 and Ms. Dula already made up their mind. They were trying to  
25 force us out, but we refused not to leave because of the kids.

NAO4FOS3

Foster - Cross

1 Q. OK. So you refused not to leave because of the kids?

2 A. Yes, so we stayed on.

3 Q. Were you looking for another job shortly after this  
4 conversation?

5 A. No.

6 Q. Could we put up DX-30, please.

7 I'm showing you what we put on the screen as DX-30.  
8 And am I correct that that is your text that you've prepared in  
9 connection with a job employment application of some sort on  
10 June 30, 2020?

11 A. Yes, that's there. But I always --

12 THE COURT: No, no. It's a yes or no question.

13 THE WITNESS: Yes.

14 MR. RISO: You it take it down.

15 Q. By the way, when you made the recording of the Mr. Snow  
16 conversation on June 14, 2020, is it fair to say that you and  
17 you alone controlled when the recording would begin and when  
18 the recording would end?

19 A. Yes. I didn't tell Ms. Wright that I was recording.

20 Q. And did you use this clock camera, secret recording device  
21 that there was some testimony about to make this recording?

22 A. No.

23 Q. What did you use?

24 A. I used my cell phone.

25 Q. OK. But during this period of time, you did have a hidden



NAO4FOS3

Foster - Cross

1 wifi camera that you purchased a couple years earlier?

2 A. I had a camera, but it wasn't connected and that was in the  
3 New York City apartment.

4 Q. Did you testify -- strike that.

5 Did you ever bring the camera to the Hamptons?

6 A. No.

7 Q. Do you recall at your deposition testifying differently?

8 A. I can't recall that.

9 Q. You can or can't?

10 A. I can't recall that.

11 Q. Do you recall being asked the following questions and be  
12 given the following answer, this is page 233.

13 "Q. You said it wasn't installed. I got that. I'm asking you  
14 where was this clock itself?

15 "A. I know it was in the Hamptons. I think it was on the  
16 bedside table.

17 Q. Do you recall being asked that question and giving that  
18 answer?

19 A. I know that --

20 THE COURT: Ma'am, were you asked that question --

21 THE WITNESS: I don't recall. I don't remember.

22 THE COURT: She can't recall if she did or not.

23 Q. Now, where in the New York City apartment did you have this  
24 secret wifi clock radio?

25 A. It was in the bedroom that I was staying.

NAO4FOS3

Foster - Cross

1 Q. And where in the bedroom did you have it?

2 A. On the bedside table.

3 Q. How many bedside tables were in that bedroom?

4 A. Two.

5 Q. So one on either side of the bed?

6 A. Yes.

7 Q. And this would be the same bed at the New York City  
8 apartment that you would share with Ms. Wright on a rotating  
9 basis; right?

10 A. Yes.

11 Q. And was that clock radio on that night table while you were  
12 living in the New York City apartment?

13 A. I didn't -- could you repeat your question.

14 Q. You left it on the night table; right?

15 A. Yes, it was on the night table.

16 Q. And did it remain on the night table for a period of time  
17 as far as you know?

18 A. Yes.

19 Q. So after your shift would end, for example --

20 A. Yes.

21 Q. -- you would go home and Ms. Wright would come, it would  
22 still be on the night table; right?

23 A. Yes.

24 Q. How long do you recall this was continuously on this night  
25 table?

NAO4FOS3

Foster - Cross

1 A. I can't recall. I don't remember.

2 Q. Would it be for a period of about a year? I'm just trying  
3 to get a sense, two years?

4 A. I just don't remember.

5 THE COURT: Well, can I ask a question?

6 MR. RISO: Sure. Yes, your Honor.

7 THE COURT: It was still there in 2020 when you were  
8 in the Hamptons?

9 THE WITNESS: No, no, no.

10 THE COURT: By that time it was no longer there.

11 THE WITNESS: Yes.

12 Q. At what point in time do you recall it not being in the New  
13 York City apartment?

14 A. We leave -- because we keep going to the Hamptons, going to  
15 California for the birth. So I can't recall the exact time.  
16 But I know it wasn't there in 2019 or 2020.

17 Q. So what would -- what would going to the Hamptons have to  
18 do with having it unless you were taking it with you to the  
19 Hamptons?

20 THE COURT: Sorry. Can you ask a more straightforward  
21 question.

22 There came a time when it was no longer on your  
23 bedside in New York City, where did you take it?

24 THE WITNESS: I just put it away.

25 THE COURT: What does that mean, you put it away?

NAO4FOS3

Foster - Cross

1 THE WITNESS: Like, it wasn't on the nightstand  
2 because if we were going to the Hamptons -- I know I had it in  
3 a box.

4 THE COURT: Where was the box?

5 THE WITNESS: It was on the nightstand.

6 THE COURT: OK. I thought you said you took it off  
7 the nightstand.

8 THE WITNESS: No. I mean, when we were leaving it  
9 wasn't on the nightstand anymore.

10 THE COURT: Did you ever remove that clock from the  
11 bedroom in New York City?

12 THE WITNESS: Yes.

13 THE COURT: You did.

14 THE WITNESS: Yes.

15 THE COURT: Where did you take it?

16 THE WITNESS: I didn't take it to the Hamptons. I  
17 think I put it in the bathroom room, under the bathroom in the  
18 cupboard, if I can recall.

19 Q. Where? In New York City?

20 A. Yes.

21 Q. And when did you remove it from the bathroom cupboard in  
22 New York City?

23 A. We -- I don't recall because we had a lot of -- I had my  
24 stuff still in the New York City apartment. We did not get to  
25 move our clothes or anything from the New York City apartment.

